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[Testimony on 3/18/46]

THE PRESIDENT: Do the Chief prosecutors wish to cross examine?

MR. JUSTICE JACKSON: You are perhaps aware that you are the only living man who can expound to us the true purposes of the Nazi Party and the inner workings of its leadership?

GOERING: I am perfectly aware of that.

MR. JUSTICE JACKSON You, from the very beginning, together with those who were associated with you, intended to overthrow and later did overthrow, the Weimar Republic?

GOERING: That was, as far as I am concerned, my firm intention.

MR. JUSTICE JACKSON: And, upon coming to power, you immediately abolished parliamentary government in Germany?

GOERING: We found it to be no longer necessary. Also I should like to emphasize the fact that we were moreover the strongest parliamentary party, and had the majority. But you are correct when you say that parliamentary Procedure was done away with because the various parties were disbanded and forbidden.

MR. JUSTICE JACKSON: You established the Leadership Principle, which you have described as a system under which authority existed only at the top, and is passed downwards and is imposed on the people below; is that correct?

GOERING: In order to avoid any misunderstanding, I should like once more to explain the idea briefly, as I understand it. In German parliamentary procedure in the past responsibility rested with the highest officials, who were responsible for carrying out the anonymous wishes of the majorities, and it was they who exercised the authority. In the Leadership Principle we sought to reverse the direction, that is, the authority existed at the top and passed downwards, while the responsibility began at the bottom and passed upwards.

MR. JUSTICE JACKSON: In other words, you did not believe in and did not permit government, as we call it, by consent of the governed, in which the people, through their representatives, were the source of power and authority?

GOERING: That is not entirely correct. We repeatedly called on the people to express unequivocally and clearly what they thought of our system, only it was in a different way from that previously adopted and from the system in practice in other countries. We chose the way of a so-called plebiscite. We also took the point of view that even a government founded on the Leadership Principle could maintain itself only if it was based in some way on the confidence of the people. If it no longer had such

confidence, then t would have to rule with bayonets, and the Fuehrer was always of the opinion that that was impossible in the long run-to rule against the will of the people.

MR. JUSTICE JACKSON: But you did not permit the election of those who should act with authority by the people, but they were designated from the top downward continuously, were they not?

GOERING: Quite right. The people were merely to acknowledge the authority of the Fuehrer, or, let us say, to declare themselves in agreement with the Fuehrer. If they gave the Fuehrer their confidence then it was their concern to exercise the other functions. Thus, not the individual persons were to be selected according to the will of the people, but solely the leadership itself.

MR. JUSTICE JACKSON: Now, was this Leadership Principle supported and adopted by you in Germany because you believed that no people are capable of self-government, or because you belieVed that some may be, not the German people; or that no matter whether some of us are capable of using our own system, it should not be allowed in Germany?

GOERING: I beg your pardon, I did not quite understand the question, but I could perhaps answer it as follows:

I consider the Leadership Principle necessary because the system which previously existed, and which we called parliamentary or democratic, had brought Germany to the verge of ruin. I might perhaps in this connection remind you that your own President Roosevelt, as far as I can recall-I do not want to quote it word for word-declared, "Certain peoples in Europe have forsaken democracy, not because they did not wish for democracy as such, but because democracy had brought forth men who were too weak to give their people work and bread, and to satisfy them. For this reason the peoples have abandoned this system and the men belonging to it." There is much truth in that statement. This system had brought ruin by mismanagement and according to my own opinion, only an organization made up of a strong, clearly defined leadership hierarchy could restore order again. But, let it be understood, not against the will of the people, but only when the people, having in the course of time, and by means of a series of elections, grown stronger and stronger, had expressed their wish to entrust their destiny to the National Socialist leadership.

MR. JUSTICE JACKSON: The principles of the authoritarian government which you set up required, as I understand you, that there be tolerated no opposition by political parties which might defeat or obstruct the policy of the Nazi Party?

GOERING: You have understood this quite correctly. By that time we had lived long enough with opposition and we had had enough of it. Through opposition we had been completely ruined. It was now time to have done with it and to start building up.

MR. JUSTICE JACKSON: After you came to power, you regarded it necessary, in order to maintain power, to suppress all opposition parties?

GOERING: We found it necessary not to permit any more opposition, yes.

MR.JUSTICE JACKSON: And you also held it necessary that you should suppress all individual opposition lest it should develop into a party of opposition?

GOERING: Insofar as opposition seriously hampered our work of building up, this opposition of individual persons was, of course not tolerated. Insofar as it was simply a matter of harmless talk it was considered to be of no consequence.

MR. JUSTICE JACKSON: Now, in order to make sure that You suppressed the parties, and individuals also, you found it necessary to have a secret political police to detect opposition?

GOERING: I have already stated that I considered that necessary just as previously the political police had existed, but on a firmer basis and larger scale.

MR. JUSTICE JACKSON: And upon coming to power you also considered it immediately necessary to establish concentration camps to take care of your incorrigible opponents?

GOERING: I have already stated that the reason for the concentration camps was not because it could be said, "Here are a number of people who are opposed to us and they must be taken into protective custody." Rather they were set up as a lightning measure against the functionaries of the Communist Party who were attacking us in the thousands, and who, since they were taken into protective custody, were not put in prison. But it was necessary, as I said, to erect a camp for them one, two, or three camps.

MR. JUSTICE JACKSON: But you are explaining, as the high authority of this system, to men who do not understand it very well, and I want to know what was necessary to run the kind of system that you set up in Germany. The concentration camp was one of the things you found immediately necessary upon coming into power, was it not? And you set them up as a matter of necessity, as you saw it?

GOERING: That was faultily translated- it went too fast. But I believe I have understood the sense of your remarks. You asked me if I considered it necessary to establish concentration camps immediately in order to eliminate opposition. Is that correct?

MR. JUSTICE JACKSON: Your answer is "yes," I take it?

GOERING: Yes.

MR. JUSTICE JACKSON: Was it also necessary, in operating this system, that you must not have persons entitled to public trials in independent courts? And you immediately issued an order that your political police would not be subject to court review or to court orders, did you not?

GOERING: You must differentiate between the two categories; those who had committed some act of treason against the new state or those who might be proved to have committed such an act, were naturally turned over to the courts. The others, however, of whom one might expect such acts, but who had not yet committed them, were taken into protective custody, and these were the people who were taken to concentration camps. I am now speaking of what happened at the beginning. Later things changed a great deal. Likewise, if for political reasons-to answer your question- someone was taken into protective custody, that is, purely for reasons of state, this could not be reviewed or stopped by any court. Later, when some people were also taken into protective custody for nonpolitical reasons, people

who had opposed the system in some other way, I once, as Prussian Prime Minister and Reich Minister of the Interior, I remember...

MR. JUSTICE JACKSON: Let's omit that. I have not asked for that. If you will just answer my question, we shall save a great deal of time. Your counsel will be permitted to bring out any explanations you want to make.

You did prohibit all court review and considered it necessary to prohibit court review of the causes for taking people into what you called protective custody?

GOERING: That I answered very clearly, but I should like to make an explanation in connection with my answer.

MR. JUSTICE JACKSON: Your counsel will see to that. Now, the concentration camps and the protective custody...

THE PRESIDENT: Mr. Justice Jackson, the Tribunal thinks the witness ought to be allowed to make what explanation he thinks right in answer to this question.

MR. JUSTICE JACKSON: The Tribunal thinks that you should be permitted to explain your answer now, and it will listen to your answers.

THE PRESIDENT: I did not mean that to apply generally to his answers. I meant it to apply to this particular answer.

GOERING: In connection with your question that these cases could not be reviewed by the court, I want to say that a decree was issued through me and Frick jointly to the effect that those who were turned over to concentration camps were to be informed after 24 hours of the reason for their being turned over, and that after 48 hours, or some short period of time, they should have the right to an attorney. But this by no means rescinded my order that a review was not permitted by the courts of a politically necessary measure of protective custody. These people were simply to be given an opportunity of making a protest.

MR. JUSTICE JACKSON: Protective custody meant that you were taking people into custody who had not committed any crimes but who, you thought, might possibly commit a crime?

GOERING: Yes. People were arrested and taken into protective custody who had not yet committed any crime, but who could be expected to do so if they remained free, just as extensive protective measures are being taken in Germany today on a tremendous scale.

MR. JUSTICE JACKSON: Now, it is also a necessity, in the kind of state that you had, that you have some kind of organization to carry propaganda down to the people and to get their reaction and inform the leadership of it, is it not?

GOERING: The last part of that question has not been intelligibly translated.

MR. JUSTICE JACKSON: Well, you had to have organizations to carry out orders and to carry your propaganda in that kind of state, didn't you?

GOERING: Of course, we carried on propaganda, and for this we had a propaganda organization.

MR. JUSTICE JACKSON: And you carried that on through the Leadership Corps of the Nazi Party, did you not?

GOERING: The Leadership Corps was there, of course, partly to spread our ideas among the people. Secondly, its purpose was to lead and organize the people who made up the Party.

MR. JUSTICE JACKSON: Through your system of Gauleiter and Kreisleiter down to Blockleiter, commands and information went down from the authority, and information as to the people's reactions came back to the leadership, didn't it?

GOERING: That is correct. The orders and commands that were to be given for propaganda or other purposes were passed down the grades as far as necessary. On the other hand, it was a matter of course that the reactions of the broad masses of the people were again transmitted upwards, through the various offices, in order to keep us informed of the mood of the people.

MR. JUSTICE JACKSON: And you also had to have certain organizations to carry out orders—executive organizations, organizations to fight for you if necessary, did you not?

GOERING: Yes, administrative organizations were, of course, necessary. I do not quite understand—organizations to fight what?

MR. JUSTICE JACKSON: Well, if you wanted certain people killed you had to have some organization that would kill them didn't you? Rohm and the rest of them were not killed by Hitler's own hands nor by yours, were they?

GOERING: Rohm—the Rohm affair I explained here clearly—that was a matter of State necessity...

MR. JUSTICE JACKSON: I did not ask you . . .

GOERING: . . . and was carried out by the police.

MR. JUSTICE JACKSON: But when it was State necessity to kill somebody, you had to have somebody to do it, didn't you?

GOERING: Yes, just as in other countries, whether it is called secret service or something else, I do not know.

MR. JUSTICE JACKSON: And the SA, the SS, and the SD, organizations of that kind, were the organizations that carried out the orders and dealt with people on a physical level, were they not?

GOERING: The SA never received an order to kill anybody, neither did the SS, not in my time. Anyhow, I had no influence on it. I know that orders were given for executions, namely in the Rohm Putsch, and these were carried out by the police, that is, by a State organ.

MR. JUSTICE JACKSON: What police?

GOERING: As far as I recall, through the Gestapo. At any rate, that was the organization that received the order. You see, it was a fight against enemies of the State.

MR. JUSTICE JACKSON: And the SS was for the same purpose, was it not?

GOERING: Not in north Germany at that time; to what extent that was the case in south Germany, where the Gestapo and the SS were still separated, and who carried out the action in south Germany, I do not know.

MR. JUSTICE JACKSON: Well, the SS carried out arrests and carried out the transportation of people to concentration camps, didn't they? You were arrested by the SS, weren't you?

GOERING: Yes, I say, yes; but later.

MR. JUSTICE JACKSON: At what time did the SS perform this function of acting as the executor of the Nazi Party?

GOERING: After the seizure of power, when the police came to be more and more in the hands of Himmler. It is difficult for me to explain to an outsider where the SS or where the Gestapo was active. I have already said that the two of them worked very closely together. It is known that the SS guarded the camps and later carried out police functions.

MR. JUSTICE JACKSON: And carried out other functions in the camps?

GOERING: To what functions do you refer?

MR. JUSTICE JACKSON: They carried out all of the functions of the camps, didn't they?

GOERING: If an SS unit was guarding a camp and an SS leader happened to be the camp commander, then this unit carried out all the functions.

MR. JUSTICE JACKSON: Now, this system was not a secret system. This entire system was openly avowed, its merits were publicly advocated by yourself and others, and every person entering into the Nazi Party was enabled to know the kind of system of government you were going to set up, wasn't he?

GOERING: Every person who entered the Party knew that we embraced the Leadership Principle and knew the fundamental measures we wanted to carry out, so far as they were stated in the program. But not everyone who joined the Party knew down to the last detail what was going to happen later.

MR. JUSTICE JACKSON: But this system was set up openly and was well known, was it not, in every one of its details? As to organization, everybody knew what the Gestapo was, did they not?

GOERING: Yes, everyone knew what the Gestapo was.

MR. JUSTICE JACKSON: And what its program was in general, not in detail?

GOERING: I explained that program clearly. At the very beginning I described that publicly, and I also spoke publicly of the tasks of the Gestapo, and I even wrote about it for foreign countries.

MR. JUSTICE JACKSON: And there was nothing secret about the establishment of a Gestapo as a political police, about the fact that people were taken into protective custody, about the fact that these were concentration camps? Nothing secret about those things, was there?

GOERING: There was at first nothing secret about it at all.

MR. JUSTICE JACKSON: As a matter of fact, part of the effectiveness of a secret police and part of the effectiveness of concentration camp penalties is that the people do know that there are such agencies, isn't it?

GOERING: It is true that everyone knows that if he acts against the state he will end up in a concentration camp or will be accused of high treason before a court, according to the degree of his crime. But the original reason for creating the concentration camps was to keep there such people whom we rightfully considered enemies of the State.

MR. JUSTICE JACKSON: Now, that is the type of government the government which we have just been describing—the only type of government which you think is necessary to govern Germany?

GOERING: I should not like to say that the basic characteristic of this government and its most essential feature was the immediate setting up of the Gestapo and the concentration camps in order to take care of our opponents, but that over and above that we had set down as our government program a great many far more important things, and that those other things were not the basic principles of our government.

MR. JUSTICE JACKSON: But all of these things were necessary things as I understood you, for purposes of protection?

GOERING: Yes, these things were necessary because of the opponents that existed.

MR. JUSTICE JACKSON: And I assume that that is the only kind of government that you think can function in Germany under present conditions?

GOERING: Under the conditions existing at that time, it was, in my opinion, the only possible form, and it also demonstrated that Germany could be raised in a short time from the depths of misery, poverty, and unemployment to relative prosperity.

MR. JUSTICE JACKSON: Now, all of this authority of the State was concentrated—perhaps I am taking up another subject. Is it the intent to recess at this time?

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. STAHLER: The witness Dahlerus has been in Nuremberg for several days and is waiting to testify. He has informed me that he must be in Stockholm again by Thursday without fail, or this reason he requests, and I am asking the High Tribunal's permission that he be called as a witness tomorrow morning, even if the cross examination has not been completed. The Prosecution have all agreed to my proposal.

THE PRESIDENT: Did you say the Prosecution had agreed to your proposal?

DR. STAHLER: Yes, My Lord. I contacted the four gentlemen involved and they have agreed to this.

THE PRESIDENT: How long do you anticipate that the examination in chief of the witness will take? You cannot answer for the cross-examination.

DR. STAHLER: I believe that I will need half a day, that is until tomorrow noon. I cannot say definitely, but it is quite probable it will last as long as that.

THE PRESIDENT: His evidence is relevant only to the few days before the 9/1/1939?

DR. STAHLER: There are two additional questions, but these questions may be answered very briefly. He seems to have made two further efforts after September, but those are very brief questions.

THE PRESIDENT: It appears to the Tribunal that half a day is a totally unnecessary time for the examination in chief of a witness who is going to speak about events during a few days before the war began.

DR. STAHLER: I would not say that, Mr. President. It is not just a few days. These negotiations started already at the end of June or the beginning of July. I should like to add further that I shall naturally limit myself to such questions as are necessary or the Trial, but these questions should be asked.

THE PRESIDENT: The Tribunal agrees, if the Prosecution is willing for this evidence to be interposed. The Tribunal trusts that you will find it possible to make your examination in chief Much shorter than you have indicated.

MR. JUSTICE JACKSON: Witness, you have related to us the manner in which you and others co-operated in concentrating all authority in the German State in the hands of the Fuehrer is that right?

GOERING: I was speaking about myself and to what extent I had a part in it.

MR. JUSTICE JACKSON: Is there any defendant in the box you know of who did not co-operate toward that end as far as was possible?

GOERING: That none of the defendants here opposed or obstructed the Fuehrer in the beginning is clear, but I should like to call your attention to the fact that we must always distinguish between different periods of time. Some of the questions that are being put to me are very general and, after all, we are concerned with a nod extending over 24 to 25 years, if a comprehensive survey is to be made.

MR. JUSTICE JACKSON: Now, I want to call your attention to the fruits of this system. You, as I understand it, were informed in 1940 of an impending attack by the German Army on Soviet Russia?

GOERING: I have explained just how far I was informed of these matters.

MR. JUSTICE JACKSON: You believed an attack not only to be unnecessary, but also to be unwise from the point of view of Germany itself?

GOERING: At that particular time I was of the opinion that this attack should be postponed in order to carry through other tasks which I considered more important.

MR. JUSTICE JACKSON: You did not see any military necessity or an attack at that time, even from the point of view of Germany?

GOERING: Naturally, I was fully aware of Russia's efforts in the deployment of her forces, but I hoped first to put into effect the other strategic measures, described by me, to improve Germany's POSITION I thought that the time required for these would ward off the critical moment. I well knew, of course, that this critical moment for Germany might come at any time after that.

MR. JUSTICE JACKSON: I can only repeat my question, which I submit you have not answered.

Did you at that time see any military necessity for an attack by Germany on Soviet Russia?

GOERING: I personally believed that at that time the danger had not yet reached its climax, and therefore the attack might not yet be necessary. But that was my personal view.

MR. JUSTICE JACKSON: And you were the Number 2 man at that time in all Germany?

GOERING: It has nothing to do with my being second in importance There were two conflicting points of view as regards strategy.

The Fuehrer, the Number 1 man, saw one danger, and I, as the Number 2 man, if you wish to express it so, wanted to carry out another strategic measure. If I had imposed my will every time then I would probably have become the Number 1 man. But since the Number 1 man was of a different opinion, and I was only the Number 2 man, his opinion naturally prevailed.

MR. JUSTICE JACKSON: I have understood from your testimony-and I think you can answer this "yes" or "no," and I would greatly appreciate it if you would-I have understood from your testimony that you were opposed, and told the Fuehrer that you were opposed, to an attack upon Russia at that time. Am I right or wrong?

GOERING: That is correct.

MR. JUSTICE JACKSON: Now, you were opposed to it because you thought that it was a dangerous move for Germany to make; is that correct?

GOERING: Yes, I was of the opinion that the moment-and I repeat this again-had not come for this undertaking, and that measures should be taken which were more expedient as far as Germany was concerned.

MR. JUSTICE JACKSON: And yet, because of the Fuehrer system, as I understand you, you could give no warning to the German people; you could bring no pressure of any kind to bear to prevent that step, and you could not even resign to protect your own place in history.

GOERING: These are several questions at once. I should like to answer the first one.

MR. JUSTICE JACKSON: Separate them, if you wish.

GOERING: The first question was, I believe, whether I took the opportunity to tell the German people about this danger. I had no occasion to do this. We were at war, and such differences of opinion, as far as

strategy was concerned, could not be brought before the public forum during war. I believe that never has happened in world history. Secondly, as far as my resignation is concerned, I do not wish even to discuss that, for during the war I was an officer, a soldier, and I was not concerned with whether I shared an opinion or not I had merely to serve my country as a soldier.

Thirdly, I was not the man to forsake someone, to whom I had given my oath of loyalty, every time he was not of my way of thinking. If that had been the case there would have been no need to bind myself to him from the beginning. It never occurred to me to leave the Fuehrer.

MR. JUSTICE JACKSON: Insofar as you know, the German people were led into the war, attacking Soviet Russia under the belief that you favored it?

GOERING: The German people did not know about the declaration of war against Russia until after the war with Russia had started. The German people, therefore, had nothing to do with this. The German people were not asked; they were told of the fact and of the necessity for it.

MR. JUSTICE JACKSON: At what time did you know that the war, as regards achieving the objectives that you had in mind, was a lost war?

GOERING: It is extremely difficult to say. At any rate, according to my conviction, relatively late—I mean, it was only towards the end that I became convinced that the war was lost. Up till then I had always thought and hoped that it would come to a stalemate.

MR. JUSTICE JACKSON: Well, in 11/1941 the offensive in Russia broke down?

GOERING: That is not at all correct. We had reverses because of weather conditions, or rather, the goal which we had set was not reached. The push of 1942 proved well enough that there was no question of a military collapse. Some corps, which had pushed forward, were merely thrown back, and some were withdrawn. The totally unexpected early frost that set in was the cause of this.

MR. JUSTICE JACKSON: You said, "relatively late." The expression that you used does not tell me anything, because I do not know what you regard as relatively late. Will you fix in terms, the of events or time, when it was that the conviction came to you that the war was lost?

GOERING: When, after 1/12/1945, the Russian offensive pushed forward to the Oder and at the same time the Ardennes offensive had not penetrated, it was then that I was forced to realize that defeat would probably set in slowly. Up to that time I had always hoped that, on the one side, the position at the Vistula toward the East and, on the other side, the position at the West Wall towards the West, could be held until the flow of the new mass produced weapons should bring about a slackening of the Anglo-American air war.

MR. JUSTICE JACKSON: Now, will you fix that by date; you told us when it was by events.

GOERING: I just said 1/1945; middle, or end of 1/1945. After that there was no more hope.

MR. JUSTICE JACKSON: Do you want it understood that, as a military man, you did not realize until 1/1945 that Germany could not be successful in the war?

GOERING: As I have already said, we must draw a sharp distinction between two possibilities: First, the successful conclusion of a war, and second, a war which ends by neither side being the victor. As regards a successful outcome, the moment when it was realized that that was no longer possible was much earlier, whereas the realization of the fact that defeat would set in did not come until the time I have just mentioned.

MR. JUSTICE JACKSON: For some period before that, you knew that a successful termination of the war could only be accomplished if you could come to some kind of terms with the enemy; was that not true?

GOERING: Of course, a successful termination of a war can only be considered successful if I either conquer the enemy or, through negotiations with the enemy, come to a conclusion which guarantees me success. That is what I call a successful termination. I call it a draw, when I come to terms with the enemy. This does not bring me the success which victory would have brought but, on the other hand, it precludes a defeat. This is a conclusion without victors or vanquished.

MR. JUSTICE JACKSON: But you knew that it was Hitler's policy never to negotiate and you knew that as long as he was the head of the Government the enemy would not negotiate with Germany, did you not?

GOERING: I knew that enemy propaganda emphasized that under no circumstances would there be negotiations with Hitler. That Hitler did not want to negotiate under any circumstances, I also knew, but not in this connection. Hitler wanted to negotiate if there were some prospect of results; but he was absolutely opposed to hopeless and futile negotiations. Because of the declaration of the enemy in the West after the landing in Africa, as far as I remember, that under no circumstances would they negotiate with Germany but would force on her unconditional surrender, Germany's resistance was stiffened to the utmost and measures had to be taken accordingly. If I have no chance of concluding a war through negotiations, then it is useless to negotiate, and I must strain every nerve to bring about a change by a call to arms.

MR. JUSTICE JACKSON: By the time of 1/1945 you also knew that you were unable to defend the German cities against the air attacks of the Allies, did you not?

GOERING: Concerning the defense of German cities against Allied air attacks, I should like to describe the possibility of doing this as follows: Of itself...

MR. JUSTICE JACKSON: Can you answer my question? Time may not mean quite as much to you as it does to the rest of us. Can you not answer "yes" or "no"? Did you then know, at the same time that you knew that the war was lost, that the German cities could not successfully be defended against air attack by the enemy? Can you not tell us "yes" or "no"?

GOERING: I can say that I knew that, at that time, it was not possible.

MR. JUSTICE JACKSON: And after that time it was well known to you that the air attacks which were continued against England could not turn the tide of war, and were designed solely to effect a prolongation of what you then knew was a hopeless conflict?

GOERING: I believe you are mistaken. After 1/1945 there were no more attacks on England, except perhaps a few single planes, because at that time I needed all my petrol for the fighter planes for defense. If I had had bombers and oil at my disposal, then, of course, I should have continued such attacks up to the last minute as retaliation for the attacks which were being carried out on German cities, whatever our chances might have been.

MR. JUSTICE JACKSON: What about robot attacks? Were there any robot attacks after 1/1945?

GOERING: Thank God, we still had one weapon that we could use. I have just said that, as long as the fight was on, we had to hit back; and as a soldier I can only regret that we did not have enough of these V-1 and V-2 bombs, for an easing of the attacks on German cities could be brought about only if we could inflict equally heavy losses on the enemy.

MR. JUSTICE JACKSON: And there was no way to prevent the war going on as long as Hitler was the head of the German Government, was there?

GOERING: As long as Hitler was the Fuehrer of the German people he alone decided whether the war was to go on. As long as my enemy threatens me and demands absolutely unconditional Surrender I fight to my last breath, because there is nothing left for me except perhaps a chance that in some way fate may change, even though it seems hopeless.

MR. JUSTICE JACKSON: Well, the people of Germany who thought it was time that the slaughter should stop had no means to stop it except revolution or assassination of Hitler, had they?

GOERING: A revolution always changes a situation, if it succeeds. That is a foregone conclusion. The murder of Hitler at this time, say 1/1945, would have brought about my succession. If the enemy had given me the same answer, that is, unconditional surrender, and had held out those terrible conditions which had been intimated, I would have continued fighting whatever the circumstances.

MR. JUSTICE JACKSON: There wa's an attack on Hitler's life on 7/20/1944?

GOERING: Unfortunately, yes.

MR. JUSTICE JACKSON: And there came a time in 1945 when Hitler made a will in Berlin whereby he turned over the presidency of the Reich to your co-defendant, Admiral Doenitz. You know about that?

GOERING: That is correct. I read of this will here.

MR. JUSTICE JACKSON: And in making his will and turning over the Government of Germany to Admiral Doenitz, I call your attention to this statement:

"Goring and Himmler, quite apart from their disloyalty to my person, have done immeasurable harm to the country and the whole nation by secret negotiations with the enemy which they conducted without my knowledge and against my wishes, and by illegally attempting to seize power in the State for themselves."

And by that will he expelled you and Himmler from the Party and from all offices of the State.

GOERING: I can only answer for myself. What Himmler did I do not know.

I neither betrayed the Fuehrer, nor did I at that time negotiate with a single foreign soldier. This will, or this final act of the Fuehrer's, is based on an extremely regrettable mistake, and one which grieves me deeply—that the Fuehrer could believe in his last hours that I could ever be disloyal to him. It was all due to an error in the transmission of a radio report and perhaps to a misrepresentation which Bormann gave the Fuehrer. I myself never thought for a minute of taking over power illegally or of acting against the Fuehrer in any way.

MR. JUSTICE JACKSON: In any event you were arrested and expected to be shot?

GOERING: That is correct.

MR. JUSTICE JACKSON: Now, in tracing the rise of power of the Party you have omitted some such things as, for example the Reichstag fire of 2/27/1933. There was a great purge following that fire, was there not, in which many people were arrested and many people were killed?

GOERING: I do not know of a single case where a man was killed because of the Reichstag fire, except that of the incendiary, Van der Lubbe, who was sentenced by the court. The other two defendants in this trial were acquitted. Herr Thalmann was not, as you recently erroneously believed, accused; it was the communist representative Torgler. He was acquitted, as was also the Bulgarian, Dimitroff.

Relatively few arrests were made in connection with the Reichstag fire. The arrests which you attribute to the Reichstag fire are the arrests of communist functionaries. These arrests, as I have repeatedly stated and wish to emphasize once more, had nothing to do with this fire. The fire merely precipitated their arrest and upset our carefully planned action, thus allowing several of the functionaries to escape.

MR. JUSTICE JACKSON: In other words, you had lists of Communists already prepared at the time of the Reichstag fire, of

persons who should be arrested, did you not?

GOERING: We had always drawn up, beforehand, fairly complete lists of communist functionaries who were to be arrested.

That had nothing to do with the fire in the German Reichstag.

MR. JUSTICE JACKSON: They were immediately put into execution—the arrests, I mean—after the Reichstag fire?

GOERING: Contrary to my intention of postponing this action for a few days and letting it take place according to plan, thereby perfecting the arrangements, the Fuehrer ordered that same night that the arrests should follow immediately. This had the disadvantage, as I said, of precipitating matters.

MR. JUSTICE JACKSON: You and the Fuehrer met at the fire, did you not?

GOERING: That is right.

MR. JUSTICE JACKSON: And then and there you decided to arrest all the Communists that you had listed?

GOERING: I repeat again that the decision for their arrests had been reached some days before this; it simply meant that on that night they were immediately arrested. I would rather have waited a few days according to plan; then some of the important men would not have escaped.

MR. JUSTICE JACKSON: And the next morning the decree was presented to President Von Hindenburg, suspending the provisions of the constitution which we have discussed here, was it not?

GOERING: I believe so, yes.

MR. JUSTICE JACKSON: Who was Karl Ernst?

GOERING: Karl Ernst—whether his first name was Karl I do not now—was the SA leader of Berlin.

MR. JUSTICE JACKSON: And who was Helldorf?

GOERING: Count Helldorf was the subsequent SA leader of Berlin.

MR. JUSTICE JACKSON: And Heines?

GOERING: Heines was the SA leader of Silesia at that time.

MR. JUSTICE JACKSON: Now, it is known to you, is it not that Ernst made a statement confessing that these three burned the Reichstag and that you and Goebbels planned and furnished the incendiary materials of liquid phosphorus and petroleum which were deposited by you in a subterranean passage for them to get, which passage led from your house to the Reichstag building? You knew of such a statement, did you not?

GOERING: I do not know of any statement by the SA leader Ernst. But I do know of some fairytale published shortly after in the foreign press by Rohm's chauffeur. This was after 1934.

MR. JUSTICE JACKSON: But there was such a passage from the Reichstag building to your house, was there not?

GOERING: On one side of the street is the Reichstag building, and opposite is the palace of the Reichstag president. The two are connected by a passage along which the wagons run which carry the coke for the central heating.

MR. JUSTICE JACKSON: And, in any event, shortly after this, Ernst was killed without a trial and without a chance to tell his story, was he not? "

GOERING: That is not correct. The Reichstag fire was in 2/1933. Ernst was shot on 6/30/1934, because together with Rohm

he had planned to overthrow the Government and had plotted against the Fuehrer. He, therefore, had a year and a quarter in

which he could have made statements regarding the Reichstag fire, if he had wished to do so.

MR. JUSTICE JACKSON: Well, he had begun to make statements, had he not, and you were generally being accused of

burning the Reichstag building? You knew that, did you not? That was the . . .

GOERING: That accusation that I had set fire to the Reichstag came from a certain foreign press. That could not bother me

because it was not consistent with the facts. I had no reason or motive for setting fire to the Reichstag. From the artistic point of

view I did not at all regret that the assembly chamber was burned- I hoped to build a better one. But I did regret very much

that I was forced to find a new meeting place for the Reichstag and, not being able to find one, I had to give up my Kroll Opera

House, that is, the second State Opera House, for that purpose. The opera seemed to me much more important than the

Reichstag.

MR. JUSTICE JACKSON: Have you ever boasted of burning the Reichstag building, even by way of joking?

GOERING: No. I made a joke, if that is the one you are referring to, when I said that, after this, I should be competing with

Nero and that probably people would soon be saying that, dressed in a red toga and holding a lyre in my hand, I looked on at

the fire and played while the Reichstag was burning. That was the joke. But the fact was that I almost perished in the flames,

which would have been very unfortunate for the German people, but very fortunate for their enemies.

MR. JUSTICE JACKSON: You never stated then that you burned the Reichstag?

GOERING: No. I know that Herr Rauschning said in the book which he wrote, and which has often been referred to here, that

I had discussed this with him. I saw Herr Rauschning only twice in my life and only for a short time on each occasion. If I had

set fire to the Reichstag, I would presumably have let that be known only to my closest circle of confidants, if at all. I would not

have told it to a man whom I did not know and whose appearance I could not describe at all today. That is an absolute

distortion of the truth.

MR. JUSTICE JACKSON: Do you remember the luncheon on Hitler's birthday in 1942 at the Kasino, the officers' mess, at the headquarters of the Fuehrer in East Prussia?

GOERING: No.

MR. JUSTICE JACKSON: You do not remember that? I will ask that you be shown the affidavit of General Franz Halder, and I call your attention to his statements which may refresh your recollection. I read it.

"On the occasion of a luncheon on the Fuehrer's birthday in 1942, the people around the Fuehrer turned the conversation to the Reichstag building and its artistic value. I heard with my own ears how Goring broke into the conversation and shouted: 'The only one who really knows the Reichstag is I, for I set fire to it.' And saying this he slapped his thigh."

GOERING: This conversation did not take place and I request that I be confronted with Herr Halder. First of all I want to emphasize that what is written here is utter nonsense. It says, "The only one who really knows the Reichstag is I." The Reichstag was known to every representative in the Reichstag. The fire took place only in the general assembly room, and many hundreds or thousands of people knew this room as well as I did. A statement of this type is utter nonsense. How Herr Halder came to make that statement I do not know. Apparently that bad memory, which also let him down in military matters, is the only explanation.

MR. JUSTICE JACKSON: You know who Halder is?

GOERING: Only too well.

MR. JUSTICE JACKSON: Can you tell us what position he held in the German Army?

GOERING: He was Chief of the General Staff of the Army, and I repeatedly pointed out to the Fuehrer, after the war started, that he would at least have to find a chief who knew something about such matters.

MR. JUSTICE JACKSON: Now, the Rohm purge you have left a little indefinite. What was it that Rohm did that he was shot? What acts did he commit?

GOERING: Rohm planned to overthrow the Government, and it was intended to kill the Fuehrer also. He wanted to follow it up by a revolution, directed in the first place against the Army, the officers' corps-those groups which he

considered to be
reactionary.

MR. JUSTICE JACKSON: And you had evidence of that fact?

GOERING: We had sufficient evidence of that fact.

MR. JUSTICE JACKSON: But he was never tried in any court where he would have a chance to tell his story as you are telling yours, was he?

GOERING: That is correct. He wanted to bring about a Putsch and therefore the Fuehrer considered it right that this thing should be nipped in the bud—not by a court procedure, but by smashing the revolt immediately.

MR. JUSTICE JACKSON: Were the names of the people who were killed in that purge, following the arrest of Rohm, ever published?

GOERING: Some of the names, yes; but not all of them, I believe.

MR. JUSTICE JACKSON: Who actually killed Rohm? Do you know?

GOERING: I do not know who personally carried out this action.

MR. JUSTICE JACKSON: To what organization was the order given?

GOERING: That I do not know either, because the shooting of Rohm was decreed by the Fuehrer and not by me, for I was competent in north Germany.

MR. JUSTICE JACKSON: And who took into custody those who were destined for concentration camps, and how many were there?

GOERING: The police carried out the arrest of those who were, first of all, to be interrogated, those who were not so seriously incriminated and of whom it was not known whether they were incriminated or not. A number of these people were released very soon, others not until somewhat later. Just how many were arrested in this connection I cannot tell you. The arrests were made by the police.

MR. JUSTICE JACKSON: The Gestapo, you mean?

GOERING: I assume so.

MR. JUSTICE JACKSON: And if Milch testified that he saw 700 or 800 in Dachau in 1935, there must have been a very

much larger number arrested, since you say many were released. Do you know the number that were arrested?

GOERING: I state again, I do not know exactly how many were arrested because the necessary arrests, or the arrest of those who were considered as having a part in this, did not go through me. My action ended, so to speak, on the date when the revolt was smashed. I understood Milch a little differently and I sent a note to my counsel in order that it be made clear, through a question whether Milch meant by these 700 people those concerned with the Rohm Putsch or whether he meant to say that he saw altogether 700 arrested persons there. That is the way I understood it. But to clarify this statement we should have to question Milch again, for I believe this number of 500, 600, or 700, to be far too high for the total number of people arrested in connection with the Rohm Putsch.

MR. JUSTICE JACKSON: Among those who were killed were Von Schleicher and his wife. He was one of your political opponents, was he not?

GOERING: That is right.

MR. JUSTICE JACKSON: And also Erich Klausner, who had been Chief of the Catholic Action of Germany?

GOERING: Klausner was likewise among those who were shot. Actually, it was Klausner's case which caused me, as I stated recently to ask the Fuehrer to give immediate orders to cease any further action, since, in my opinion, Klausner was quite wrongfully shot.

MR. JUSTICE JACKSON: And Strasser, who had been the former Number 2 man to Hitler and had disagreed with him in 12/1932-Strasser was killed, was he not?

GOERING: Of Strasser it cannot be said that he was Number 2 man after Hitler. He played an extremely important role within the Party before the seizure of power, but he was banned from the Party already before the seizure of power. Strasser participated in this revolt and he was also shot.

MR. JUSTICE JACKSON: And when it got down to a point where there were only two left on the list yet to be killed, you intervened and asked to have it stopped; is that correct?

GOERING: No, that is not entirely correct. I made it fairly clear and should like to repeat briefly that not when there were only

two left on the list did I intervene; I intervened when I saw that many were shot who were not concerned with this matter. And

when I did so, two persons were left who had taken a very active part, and the Fuehrer himself had ordered that they be shot.

The Fuehrer was particularly furious with one of them, the chief instigator of the action. What I wanted to make clear was that I

said to the Fuehrer, "It is better for you to give up the idea of having these two main perpetrators executed, and put an end to

the whole thing immediately." That is what I meant.

MR. JUSTICE JACKSON: What date was that? Did you fix the time?

GOERING: Yes, I can give you a definite time. As far as I recall the decisive day was Saturday; on Saturday evening between

6 and 7 o'clock the Fuehrer arrived by plane from Munich. My request to stop the action was made on Sunday, some time

between 2 and 3 o'clock in the afternoon.

MR. JUSTICE JACKSON: And what happened to the two men who were left on the list-were they ever brought to trial?

GOERING: No. One, as far as I remember, was taken to a concentration camp, and the other was for the time being placed

under a sort of house arrest, if I remember correctly.

MR. JUSTICE JACKSON: Now, going back to the time when you met Hitler; you said that he was a man who had a serious

and definite aim, that he was not content with the defeat of Germany and with the Versailles Treaty; do you recall that?

GOERING: I am very sorry, the translation was rather defective and I cannot understand it. Please repeat.

MR. JUSTICE JACKSON: When you met Hitler, as I understand your testimony, you found a man with a serious and definite

aim, as you said, in that he was not content with the defeat of Germany in the previous war and was not content with the

Versailles Treaty.

GOERING: I think you did not quite understand me correctly here, for I did not put it that way at all. I stated that it had struck

me that Hitler had very definite views of the impotency of protest; secondly, that he was of the opinion that Germany must be

freed from the dictate of Versailles. It was not only Adolf Hitler; every German, every patriotic German had the same feelings- and I, being an ardent patriot, bitterly felt the shame of the dictate of Versailles, and I allied myself with the man about whom I felt that he perceived most clearly the consequences of this dictate, and that probably he was the man who would find the ways and means to set it aside. All the other talk in the Party about Versailles was, pardon the expression, mere twaddle.

MR. JUSTICE JACKSON: So, as I understand you, from the very beginning publicly and notoriously, it was the position of the Nazi Party that the Versailles Treaty must be set aside and that protest was impotent for that purpose?

GOERING: From the beginning it was the aim of Adolf Hitler and his movement to free Germany from the oppressive fetters of Versailles, that is, not from the whole Treaty of Versailles, but from those terms which were strangling Germany's future.

MR. JUSTICE JACKSON: And to do it by war, if necessary?

GOERING: We did not debate about that at all at the time. We debated only about the foremost condition, that Germany should acquire a different political structure, which alone would enable her to raise objections to this dictate, this one-sided dictate- everybody always called it a peace, whereas we Germans always called it a dictate and not merely objections, but such objections as would demand consideration.

MR. JUSTICE JACKSON: That was the means- the means was the reorganization of the German State, but your aim was to get rid of what you call the dictate of Versailles.

GOERING: Liberation from these terms of the dictate of Versailles, which in the long run would make German life impossible, was the aim and the intention. But by that we did not go as far as to say, "We want to wage war on our enemies and be victorious." Rather, the aim was to suit the methods to the political events. Those were the basic considerations.

MR. JUSTICE JACKSON: And it was for that end that you and all of the other persons who became members of the Nazi Party gave to Hitler all power to make decisions for them, and agreed, in their oath of office, to give him obedience?

GOERING: Again here are several questions. Question One: The fight against the dictate of Versailles was for me the most decisive factor in joining the Party. For others, perhaps, other points of the program or of the ideology, which seemed more important, may have been more decisive. Giving the Fuehrer absolute powers was not a basic condition for getting rid of Versailles, but for putting into practice our conception of the Leadership Principle. To give him Our oath before he became the head of the State was, under the conditions then existing, a matter of course for those who considered themselves members of his select leadership corps. I do not know and I cannot tell exactly, just how the oath was given before the seizure of power; I can only tell you what I myself did. After a certain period of time, when I had acquired more insight into the Fuehrer's personality, I gave him my hand and said: "I unite my ate with yours for better or for worse: I dedicate myself to you in good times and in bad, even unto death." I really meant it-and still do.

MR. JUSTICE JACKSON: If you would answer three or four questions for me "yes" or "no," then I would be quite willing to let you give your entire version of this thing. In the first place, you wanted a strong German State to overcome the conditions of Versailles.

GOERING: We wanted a strong State anyhow, regardless of Versailles; but in order to get rid of Versailles the State had, first of all, to be strong, for a weak State never makes itself heard; that we know from experience.

MR. JUSTICE JACKSON: And the Fuehrer principle you adopted because you thought it would serve the ends of a strong State?

GOERING: Correct.

MR. JUSTICE JACKSON: And this aim, which was one of the aims of the Nazi Party, to modify the conditions of Versailles, was a public and notorious aim in which the people generally joined-it was one of your best means of getting people to join with you, was it not.

GOERING: The dictate of Versailles was such that every German in my opinion, could not help being in favor of its modification, and there is no doubt that this was a very strong inducement for joining the movement.

MR. JUSTICE JACKSON: Now, a number of the men who took part in this movement are not here; and, for the record, there is no doubt in your mind, is there, that Adolf Hitler is dead?

GOERING: I believe there can be no doubt about that.

MR. JUSTICE JACKSON: And the same is true of Goebbels?

GOERING: Goebbels, I have no doubt about that, for I heard from someone whom I trust completely, that he saw Goebbels dead.

MR JUSTICE JACKSON: And you have no doubt of the death of Himmler, have you?

GOERING: I am not certain of that, but I think that you Must be certain, since you know much more about it than I, as he died a prisoner of yours. I was not there.

MR. JUSTICE JACKSON: You have no doubt of the death of Heydrich, have you?

GOERING: I am absolutely certain about that.

MR. JUSTICE JACKSON: And probably of Bormann?

GOERING: I am not absolutely certain of this. I have no proof. I do not know, but I assume so.

MR. JUSTICE JACKSON: And those are the chief persons in your testimony, who have been mentioned as being responsible-Hitler for everything, Goebbels for inciting riots against the Jews, Himmler, who deceived Hitler, and Bormann, who misled him about his will?

GOERING: The influence exerted on the Fuehrer varied at different times. The chief influence on the Fuehrer, at least up till the end -of 1941 or the beginning of 1942, if one can speak of influence at all, vas exerted by me. From then until 1943 my influence gradually decreased, after which it rapidly dwindled. All in all, I do not believe anyone had anything like the influence on the Fuehrer that I had. Next to me, or apart from me, if one can speak of influence at all, Goebbels, with whom the Fuehrer was together quite a good deal, exerted an influence in a certain direction from the very beginning. This influence wavered for a time and was very slight, and then increased greatly in the last years of the war, for it was easy to win influence by means of...

Before the seizure of power and during the years immediately following the seizure of power, Hess had a certain influence, but

only in regard to his special sphere. Then, in the course of the years, Himmler's influence increased. From the end of 1944 on this influence decreased rapidly. The most decisive influence on the Fuehrer during the war, and especially from about 1942-after Hess went out in 1941 and a year had elapsed-was exerted by Herr Bormann. The latter had, at the end, a disastrously strong influence. That was possible only because the Fuehrer was filled with profound mistrust after 20 July, and because Bormann was with him constantly and reported on and described to him all matters. Broadly speaking these are the persons who had influence at one time or another.

MR. JUSTICE JACKSON: You took over a special intelligence organization in 1933 which was devoted to monitoring the telephone conversations of public officials and others inside and outside of Germany, did you not?

GOERING: I have explained that I had erected a technical apparatus which, as you said, monitored the conversations of important reigners to and from foreign countries-telegrams and wireless communications which were transmitted not only from Germany to foreign countries, but also from one foreign country to the other through the ether, and which were intercepted. It also monitored telephone conversations within Germany of: (1) all important foreigners; (2) important firms, at times; and (3) persons who for any reason of a political or police nature were to be watched.

In order to prevent any abuse on the part of the police, this department had to obtain my personal permission when it was to listen to telephone conversations. Despite this there could, of course, be uncontrolled tapping of wires at the same time, just as that is technically possible everywhere today.

MR. JUSTICE JACKSON: You kept the results of those reports to yourself, did you not?

GOERING: No; this was the procedure: These reports in which the Foreign Office was interested were released to the Foreign Office. Those reports which were important to the Fuehrer went to the Fuehrer. Those which were important to the military authorities went to the Minister of War, or to the Air Ministry, or to the Ministry of Economy. I or my deputy decided whether a report was important for this or that office. There was a man there whose job and responsibility it was to see that these secret reports were submitted only to the chief. I could, of course, order at any time that this or that report

should be exclusively for
my knowledge and not be handed on. That was always possible.

MR. JUSTICE JACKSON: You had a good deal of difficulty with other police authorities who wanted to get possession of
that organization, did you not?

GOERING: That is correct. The police did strive to get this instrument into their hands. But they did not get it from me, and
perhaps they kept a watch of their own here and there. But the decisive control which had to be directed through the Ministry
of Posts could technically be ordered only by me.

MR. JUSTICE JACKSON: You have listened to the evidence of the Prosecution against all of the defendants in this case,
have you not?

GOERING: Yes.

MR. JUSTICE JACKSON: Is there any act of any of your co-defendants which you claim was not one reasonably necessary
to carry out the plans of the Nazi Party?

GOERING: At present those are only assertions by the Prosecution; they are not yet facts which have been proved. In these assertions there are a number of actions which would not have been necessary.

MR. JUSTICE JACKSON: Will you specify which acts, of which defendants, you claim, are beyond the scope of the plans of
the Party?

GOERING: That is a very difficult question which I cannot answer straight away and without the data.

DR. STAHLER: I object to this question. I do not believe that this is a question of fact, but rather of judgment, and that it is not possible to give an answer to such a general question.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal thinks that the question is somewhat too wide.

MR. JUSTICE JACKSON: You have said that the program of the Nazi Party was to rectify certain injustices which you considered in the Treaty of Versailles; and I ask you whether it is not a fact that your program went considerably beyond any matter dealt with in that Treaty?

GOERING: Of course, the program contained a number of other points which had nothing to do with the Treaty of Versailles.

MR. JUSTICE JACKSON: I call your attention to a statement in Mein Kampf as follows:

"The boundaries of 1914 do not mean anything for the future of the German nation. They did not constitute a defense in the past nor do they constitute a power in the future. They will not give to the German people inner security or ensure their food supply, nor do these boundaries appear to be favorable or satisfactory from a military point of view."

That is all true, is it not?

GOERING: I should like to reread the original passage in Mein Kampf in order to determine if it is exactly as you have read it.

I assume that it is correct. If so, I can reply that this is the text of a public book and not the Party program.

MR. JUSTICE JACKSON: The first country to be absorbed by Germany was Austria, and it was not a part of Germany before the first World War, and had not been taken from Germany by the Treaty of Versailles; is that correct?

GOERING: For this very reason this point was distinctly separated from Versailles in the program. Austria is directly connected with Versailles only insofar as the right of self-determination, as proclaimed there, was most gravely infringed; for Austria and the purely German population were not allowed the Anschluss which they wanted to see accomplished as early as 1918, after the revolution.

MR. JUSTICE JACKSON: The second territory taken by Germany was Bohemia, then Moravia, and then Slovakia. These were not taken from Germany by the Treaty of Versailles, nor were they part of Germany before the first World War.

GOERING: As far as the Sudetenland is concerned the same applies as for Austria. The German representatives of the German Sudetenland likewise sat in the Austrian Parliament, and under their leader, Lottmann, cast the same vote. It is different in the case of the last act, that is, the declaration of the Protectorate. These parts of Czech territory, especially Bohemia and Moravia were not constituent parts of the smaller German Reich before the Treaty of Versailles, but formerly they had been united to the German Reich for centuries. That is an historical fact.

MR. JUSTICE JACKSON: You still have not answered my question, although you answered everything else. They were not taken from you by the Treaty of Versailles, were they?

GOERING: Of course Austria was taken away by the Versailles Treaty and likewise the Sudetenland, for both territories, had it not been for the Treaty of Versailles and the Treaty of St. Germain would have become German territories through the right of the people to self-determination. To this extent they have to do with it.

MR. JUSTICE JACKSON: You have testified, have you not, on interrogation, that it was Hitler's information that the United States would never go to war, even if attacked, and that he counted on the isolationists of that country to keep it out of war?

GOERING: This interrogation must have been recorded entirely incorrectly. That is the very reason why I refused from the beginning to give my oath to these interrogations before I had been able to look carefully at the German transcript and determine whether it had been correctly understood and translated. Only once, and that was on the part of the Russian Delegation, was a completely correct transcript submitted to me. I signed it page by page and thereby acknowledged it. Now, as far as this statement is concerned, I should like to put it right. I said that, at first, the Fuehrer did not believe that America would intervene in the war, and that he was confirmed in this belief by the attitude of the isolationist press, while I, on the contrary, unfortunately feared from the very beginning that America would in any case intervene in the war. Such nonsense-I hope you will excuse me-as to say that America would not come into the war even if she were attacked, you will understand that I could never have uttered, because, if a country is attacked, it defends itself.

MR. JUSTICE JACKSON: Do you know Axel Wennergren?

GOERING: He is a Swede whom I have seen two or three times.

MR. JUSTICE JACKSON: You talked with him about this subject, did you not?

GOERING: About the subject of America's entering the war I can very well have talked with him; it is even probable.

MR. JUSTICE JACKSON: You told him that a democracy could not mobilize and would not fight, did you not?

GOERING: I did not tell him any such nonsense, for we had one democracy as our chief enemy, namely England, and how this democracy would fight we knew from the last World War, and we experienced it again during this war. When I talked with Wennergren the war with England was in full swing.

MR. JUSTICE JACKSON: You have testified on interrogation, if I understand you correctly, that there were at all times two

basic ideas in Hitler's mind, either to ally himself with Russia and seek increase in living space through the acquisition of colonies, or to ally himself with Britain and seek acquisition of territories in the East. But in view of his orientation, he would very much have preferred to ally himself with Great Britain, is that true?

GOERING: That is correct. I need only to refer to the book *Mein Kampf*, where these things were set down in thorough detail by Hitler.

MR. JUSTICE JACKSON: Now, as early as 1933 you began a real program to rearm Germany regardless of any treaty limitations, did you not?

GOERING: That is not correct.

MR. JUSTICE JACKSON: All right; tell us when you started.

GOERING: After all the proposals of disarmament which the Fuehrer made were refused, that is, shortly after our withdrawal from the disarmament conference he made several proposals for a limitation; but, since these were not taken seriously or discussed, he ordered a complete rearmament. At the end of 1933 already certain slight preparations were started by me personally, to the extent that I had made some inconsiderable preparations in regard to the air and had also undertaken a certain militarization of the uniformed police. But that was done by me personally; I bear the responsibility.

MR. JUSTICE JACKSON: Well, then, the militarization of the police auxiliary was not a state affair. It was your personal affair. What do you mean by that?

GOERING: Not the auxiliary police, but the municipal police; that is, there was one uniformed police force which had simply police duty on the streets, and a second which was grouped in formations and was at our disposal for larger operations-not

created by us, let it be understood, but existing at the time of the seizure of power. This municipal police, which was grouped in units, uniformed armed, and housed in barracks, I formed very soon into a strong military instrument by taking these men out of the police service and having them trained more along military lines and giving them machine guns and such things, in addition to their small arms. This I did on my own responsibility. These formations were taken into the Armed Forces as regular Army units when the Armed Forces Law was declared.

MR. JUSTICE JACKSON: I want to ask you some questions from your interrogation of the 10/17/1945. I Will first read you the questions and answers as they appear in the interrogations and I shall then ask you whether you gave those answers, and then you can make the explanations if you desire, and I assume you do. The interrogation reads:

"I wanted to ask you today about some of the economic history of the period. When was the armament program first discussed, that is, the rearmament program? What year?

"Answer: Immediately; in 1933.

"Question: In other words, Schacht had assumed the obligation at that time already, to raise funds for the rearmament program?

"Answer: Yes. But, of course, in co-operation with the Minister of Finance.

"Question: During the years 1933-1935, before general conscription came in, naturally, the rearmament was a secret rearmament, was it not?

"Answer Yes.

"Question: So that money that was used outside of the budget would have to be raised by some secret means not to be known to foreign nations?

"Answer: Yes, unless they could be raised from normal Army funds.

"Question: That is to say, you had a small budget for the standing 100000 man Army which was open, and the rest of the rearmament had to be from secret sources?

"Answer: Yes."

Were you asked those questions and did you give these answers, in substance?

GOERING: More or less; generally speaking that is correct. I have these remarks to make: Firstly, I was asked when

rearmament had been discussed, not when it had been started. It had, of course, been discussed already in the year 1933,

because it was clear at once that our government had to do something about it, that is to say, to demand that the others should

disarm, and, if they did not disarm, that we should rearm. These things required discussion. The conclusion of the discussion

and the formulation into a definite order followed after the failure of our attempts to get other countries to disarm. As soon as

we, or rather the Fuehrer, saw that his proposals would not be accepted under any circumstances, a gradual rearmament, of

course, began to take place. There was no reason whatsoever why we should inform the world about what we were doing in

the way of rearmament. We were under no obligation to do that, nor was it expedient.

Herr Schacht, in the year 1933 at the very beginning, could not raise any funds because at the start he held no office. He was

able to do this only at a later date. And here it was understandable that the funds had to be raised through the Minister of

Finance and the President of the Reichsbank according to the wishes and the orders of the Fuehrer, especially as we had left no

doubt that, if the other side did not disarm, we would rearm. That had already been set down on our Party program since

1921, and quite openly.

MR. JUSTICE JACKSON: Is it not a fact that on the 5/21/1935, by a secret decree, Schacht was named Plenipotentiary for the War Economy?

GOERING: The date—if you will kindly submit the decree to me, then I can tell you exactly. I have not the dates of decrees and

laws in my head, especially if they do not have anything to do with me personally; but that can be seen from the decree.

MR. JUSTICE JACKSON: At any event, shortly after he was named, he suggested you as Commissioner for Raw Materials and Foreign Currency, did he not?

GOERING: If Herr Schacht made this suggestion shortly after his appointment, then that appointment could not have taken

place until 1936, because not until the summer of 1936 did Herr Schacht, together with the Minister of

War, Von Blomberg,
make the proposal that I should become Commissioner for Raw Materials and Foreign Currency.

MR. JUSTICE JACKSON: Well, I ask you if you did not give this answer to the American interrogator on the 10/10/1945,
referring to Schacht:

"He made the suggestion that I was to become the Commissioner for Raw Materials and Foreign Currency. He had the idea
that, in that position, I could give the Minister for Economics and the President of the Reichsbank
valuable support."

How did you give that answer, and is that information correct?

GOERING: Will you please repeat.

MR. JUSTICE JACKSON: Referring to Schacht, the record shows that you said:

"He made the suggestion that I was to become the Commissioner for Raw Materials and Foreign Currency. He had the idea
that, in that position, I could give the Minister for Economics and the President of the Reichsbank
valuable support."

GOERING: That is absolutely correct, with the exception of the word "Reichstagspräsident;" that
ought to be President of the
Reichsbank.

MR. JUSTICE JACKSON: Yes. That is the way I have it.

GOERING: It sounded like "Reichstagspräsident" over the earphones.

MR. JUSTICE JACKSON: "Moreover, he was very outspoken in the suggestion that he and Blomberg
made, that I should be
put in charge of the Four Year Plan. However, Schacht's idea was that I did not know very much about
economy, and that he
could easily hide behind my back."

GOERING: That I said the other day quite clearly.

MR. JUSTICE JACKSON: Now, from that time on you and Schacht collaborated for some time in
preparing a rearmament
program, did you not?

GOERING: From that time on I worked together with Schacht in economic matters and covered the
whole field of German
economy, including the armament program, which of course was a sine qua non for the reassumed
German military sovereignty.

MR. JUSTICE JACKSON: And you and he had some jurisdictional differences and executed an agreement settling your different spheres of authority, did you not?

GOERING: Yes.

MR. JUSTICE JACKSON: And that was on 7/7/1937, right?

GOERING: On that day a certain proposal for a settlement was made, but this did not lead to anything final being accomplished. That was because of the nature of the two posts and our personalities. Both of us, I, as Delegate for the Four Year Plan, and Herr Schacht, as Minister of Economics and President of the Reichsbank, were able to exercise very great influence on German economy. As Herr Schacht also had a very strong personality and felt his position keenly, and I likewise was not inclined to hide my light under a bushel, whether we were friends or not we could not help getting in each other's way because of this question of authority, and one of us had finally to give in to the other.

MR. JUSTICE JACKSON: And there came a time when he left the Ministry and the Reichsbank?

GOERING: First he resigned from the Reich Ministry of Economy in 11/1937, and, as far as I know, he resigned as President of the Reichsbank at the end of 1938, but I cannot be certain about that date.

MR. JUSTICE JACKSON: There was no disagreement between you and him that the program of rearmament should be carried through, was there? You disagreed only in the methods of doing it.

GOERING: I assume that Herr Schacht also, as a good German, was, of course, ready to put all his strength at the disposal of Germany's rearmament, in order that Germany should be strong; and therefore differences could have occurred only in regard to methods, for neither Herr Schacht nor I was arming for a war of aggression.

MR. JUSTICE JACKSON: And after he left the rearmament work he remained as a Minister without Portfolio and sat in the Reichstag for some time, did he?

GOERING: That is correct. The Fuehrer wished it because, I believe, he wanted in this way to express his recognition of Herr Schacht.

MR. JUSTICE JACKSON: And do you recall the time when you considered the calling up of 15-year-olds, the conscription of 15-year-olds?

GOERING: During the war you mean?

MR. JUSTICE JACKSON: Yes.

GOERING: It was a question of Air Force auxiliaries, that is correct. They were 15- or 16-year-olds, I do not remember exactly which, and were called in as Air Force auxiliaries.

MR. JUSTICE JACKSON: I will ask that you be shown Document Number 3700-PS and ask you whether you received from Schacht the letter of which that is a carbon copy.

[The document was handed to the witness.]

GOERING: Yes, I certainly did receive that letter. The year is not given here; that is missing in the copy.

MR. JUSTICE JACKSON: Could you fix, approximately, the date of its receipt?

GOERING: It says here 3rd of November, but from the incidents described on the other side, I assume it must be 1943. On this copy the year, strangely enough, is not given, but I believe it was in the year 1943, I received this letter.

MR. JUSTICE JACKSON: Did you reply to Document 3700-PS? Did you reply to this letter?

GOERING: I cannot say that today with certainty-possibly. MR. JUSTICE JACKSON: Now, the Four Year Plan had as its purpose to put the entire economy in a state of readiness for war, had it not?

GOERING: I have explained that it had two tasks to fulfill-1) to safeguard German economy against crises, that is to say, to make it immune from export fluctuations, and, as regards food, from harvest fluctuations, as far as possible; and 2) to make it capable of withstanding a blockade, that is to say, in the light of experiences in the first World War, to put it on such a basis that in a second World War a blockade would not have such disastrous consequences. That the Four Year Plan in this respect was a basic prerequisite for the entire building-up and expansion of the armament industry goes without saying. Without it the rearmament industry could not have been shaped in this way.

MR. JUSTICE JACKSON: To get a specific answer, if possible did you not say in a letter to Schacht, dated the 12/18/1936, that you saw it to be your task, using these words "within 4 years to put the entire economy in a state of readiness for war"?

Did you say that or did you not?

GOERING: Of course I said that.

MR. JUSTICE JACKSON: Now, do you recall the report of Blomberg in 1937 in which-and you may examine if you wish

Document Number C-175-in which he starts his report by saying:

"The general political position justifies the supposition that Germany need not expect an attack from any side."

GOERING: That may have been quite possible at that moment. I took a most reassuring view of the German situation in 1937.

It was after the Olympic games and at that time the general situation was extraordinarily calm. But that had nothing to do with

the fact that I felt obliged, quite apart from passing fluctuations from a calmer to a more tense atmosphere, to make German

economy ready for war and proof against crises or blockades, for exactly 1 year later incidents of a different nature occurred.

MR. JUSTICE JACKSON: Well now, does not Blomberg continue: "Grounds for this are, in addition to the lack of desire for

war in almost all nations, particularly the Western Powers, the deficiencies in the preparedness for war of a number of states,

and of Russia in particular"?

That was the situation in 1937, was it not?

GOERING: That is the way Herr Von Blomberg saw the situation Concerning the readiness for war in Russia, Herr Von

Blomberg in the same way as all those representatives of our Reichswehr mentality, was always really mistaken in contrast to

the opinion pressed in other quarters with regard to Russian armaments. This is merely the opinion of Herr Von Blomberg-not

the Fuehrer's, not mine, and not the opinion of other leading people.

MR. JUSTICE JACKSON: That, however, was the report of the Commander-in-chief of the Armed Forces on the

6/24/1937, was it not?

GOERING: That is correct.

MR. JUSTICE JACKSON: You organized, 1 month later, the Hermann Goring Works?

GOERING: Right.

MR. JUSTICE JACKSON: And the Hermann Goring Works were concerned with putting Germany in the condition of readiness for war, were they not?

GOERING: No, that is not right. The Hermann Goring Works were at first concerned solely with the mining of German iron ore in the region of Salzgitter and in a district in the Oberpfalz, and, after the annexation, with the iron ore works in Austria. The Hermann Goring Works first established exclusively mining and refining plants for this ore and foundries. Only much later steel works and rolling mills were added, that is to say, an industry.

MR. JUSTICE JACKSON: The Hermann Goring Works were a part of the Four Year Plan, were they not?

GOERING: That is right.

MR. JUSTICE JACKSON: And you have already said that the Four Year Plan had as its purpose to put the economy in a state of readiness for war; and the Hermann Goring Works were organized to exploit ore mining and iron smelting resources and to carry the process through to completed guns and tanks, were they not?

GOERING: No, that is not correct; the Hermann Goring Works had at first no armament works of their own, but merely produced, as I again repeat, the basic product, steel, crude steel.

MR. JUSTICE JACKSON: Well, at all events, you continued your efforts and on the 11/8/1943, you made a speech describing those efforts to the Gauleiter in the Fuehrer building at Iunih, is that right?

GOERING: I do not know the exact date, but about that time I made a short speech, one of a series of speeches, to the Gauleiter about the air situation, as far as I remember, and also perhaps about the armament situation. I do not remember the words of that speech, since I was never asked about it until now; but the facts are correct.

MR. JUSTICE JACKSON: Well, let me remind you if you used these terms, refreshing your recollection:

"Germany, at the beginning of the war, was the only country in the world possessing an operative, fighting air force. The other countries had split their air fleets up into army and navy air fleets and considered the air arm primarily as

a necessary and important auxiliary of the other branches of the forces. In consequence, they lacked the instrument which is alone capable of dealing concentrated and effective blows, namely, an operative air force. In Germany we had gone ahead on those lines from the very outset, and the main body of the Air Force was disposed in such a way that it could thrust deeply into the hostile areas with strategic effect while a lesser portion of the air force, consisting of Stukas and, of course, fighter planes, went into action on the front line in the battlefields. You all know what wonderful results were achieved by these tactics and what superiority we attained at the very beginning of the war through this modern kind of air force."

GOERING: That is entirely correct; I certainly did say that, and what is more, I acted accordingly. But in order that this be understood and interpreted correctly, I must explain briefly:

In these statements I dealt with two separate opinions on air strategy, which are still being debated today and without a decision having been reached. That is to say: Should the air force form an auxiliary arm of the army and the navy and be split up to form a constituent part of the army and the navy, or should it be a separate branch of the armed forces? I explained that for nations with a very large navy it is perhaps understandable that such a division should be made. From the very beginning, thank God, we made the correct, consistent decision to build up a strong—I emphasize the word "strong"—and independent Air Force along with the Army and the Navy; and I described how we passed from a tentative air force to an operative air force. As an expert I am today still of the opinion that only an operative air force can have a decisive effect. I have also explained in regard to two- and four-engine bombers, that at first I was quite satisfied with the two-engine bombers because, firstly, I did not have four-engine bombers; and secondly, the operational radius of the two-engine bombers was wide enough for the enemy with whom we had to deal at that time. I further pointed out that the main reason for the swift ending of the campaign in Poland and in the West was the effect of the Air Force.

So that is quite correct.

MR. JUSTICE JACKSON: I remind you of the testimony of the witness Milch, sworn on your behalf, as to a subject on which I have not heard you express yourself. He said:

"I had the impression that already at the time of the occupation of the Rhineland, he, Goring, was worried lest Hitler's policy should lead to war."

Do you remember that?

GOERING: Yes.

MR. JUSTICE JACKSON: And was it true or false? True or mistaken, perhaps, I should say.

GOERING: No, I did not want a war and I thought the best way to avoid a war was to be strongly armed according to the well known adage, "He who has a strong sword has peace."

MR. JUSTICE JACKSON: Well, you are still of that opinion?

GOERING: I am of that opinion today, now that I see the entanglements more than ever.

MR. JUSTICE JACKSON: And it is true, as Milch said, that you were worried that Hitler's policies would lead to war at the time of the occupation of the Rhineland?

GOERING: Excuse me, I just understood you to ask whether it is also my opinion today that only a nation that is strongly armed can maintain peace. That is what I meant to answer with my last statement.

If you are connecting this question to the statement of Milch, that I was worried lest the policy of the Fuehrer might lead to war, I should like to say that I was worried lest war might come; and if possible I wanted to avoid it, but not in the sense that the policy of the Fuehrer would lead to it, because the Fuehrer also desired to carry out his program by agreements and diplomatic action.

In regard to the occupation of the Rhineland I was somewhat worried at the time about the reactions; all the same, it was necessary.

MR. JUSTICE JACKSON: And when nothing happened, the next step was Austria?

GOERING: The one has nothing to do with the other. I never had any misgivings about Austria leading to a war, as I had with the Rhineland occupation, for in the case of the Rhineland occupation I could well imagine that there might be repercussions. But

how there could be any repercussions from abroad over the union of two brother nations of purely German blood was not clear to me, especially since Italy, who always pretended that she had a vital interest in a separate Austria, had somewhat changed her ideas. It could not have mattered in the least to England and France nor could they have had the slightest interest in this union. Therefore I did not see the danger of its leading to a war.

MR. JUSTICE JACKSON: I ask you just a few questions about Austria. You said that you and Hitler had felt deep regret about the death of Dollfuss, and I ask you if it is not a fact that Hitler put up a plaque in Vienna in honor of the men who murdered Dollfuss, and went and put a wreath on their graves when he was there. Is that a fact? Can you not answer that question with "yes" or "no"?

GOERING: No, I cannot answer it with either "yes" or "no," if I am to speak the truth according to my oath. I cannot say 'Yes, he did it,' because I do not know; I cannot say, "No, he did not do it," because I do not know that either. I want to say that I heard about this event here for the first time.

MR. JUSTICE JACKSON: Now, in 6/1937, Seyss-Inquart came to you and State Secretary Keppler, and you had some negotiations.

GOERING: Yes.

MR. JUSTICE JACKSON: And it was Seyss-Inquart's desire to have an independent Austria, was it not?

GOERING: As far as I remember, yes.

MR. JUSTICE JACKSON: And Keppler was the man who was sent by Hitler to Vienna at the time of the Anschluss and who telegraphed to Hitler not to march in, do you recall?

GOERING: Yes.

MR. JUSTICE JACKSON: That is the telegram that you characterized as impudent and senseless from the man who was on the spot, and who had negotiated earlier with Seyss-Inquart, do you recall that?

GOERING: I did not characterize the telegram with this word which has just been translated to me in German, that is "impudent." I said that this telegram could no longer have any influence and was superfluous, because the

troops were already on
the move and had their order; the thing was already underway.

MR. JUSTICE JACKSON: You had demanded that Seyss-Inquart be made Chancellor? Is that right?

GOERING: I did not desire that personally, but it arose out of the circumstance that at that time he was the only man who
could assume the Chancellorship because he was already in the Government.

MR. JUSTICE JACKSON: Now, did Seyss-Inquart become Chancellor of Austria with the
understanding that he was to
surrender his country to Germany, or did you lead him to believe that he would be independent, have
an independent country?

GOERING: I explained the other day that even at the time when I left by plane the next morning, the
Fuehrer himself had still
-not made up his mind as to whether the union with Austria should not be brought about by means of a
joint head of state. I
also said that I personally did not consider this solution far-reaching enough and that I was for an
absolute, direct, and total
Anschluss.

I did not know exactly what Seyss-Inquart's attitude was at this time. Nevertheless I feared that his
attitude was rather in the
direction of continued separation with co-operation, and did not go as far as my attitude in the direction
of a total Anschluss.

Therefore I was very satisfied when this total Anschluss crystallized in the course of the day.

MR. JUSTICE JACKSON: I respectfully submit that the answers are not responsive, and I repeat the
question.

Did Seyss-Inquart become Chancellor of Austria with an understanding that he would call in the
German troops and surrender

Austria to Germany, or did you lead him to believe that he could continue an independent Austria?

GOERING: Excuse me, but that is a number of questions which I cannot answer simply with "yes" or
"no."

If you ask me, "Did Seyss-Inquart become Chancellor according to Hitler's wishes and yours?"-yes.

If you then ask me, "Did he become Chancellor with the understanding that he should send a telegram
for troops to march

in?"-I say, "No," because at the time of the Chancellorship there was no question of his sending us a
telegram.

If you ask me, thirdly, "Did he become Chancellor on the understanding that he would be able to
maintain an independent

Austria?" -then I have to say again that the final turn of events was not clear in the Fuehrer's mind on that evening.

That is what I tried to explain.

MR. JUSTICE JACKSON: Is it not true that you suspected that he might want to remain as independent as possible, and that that was one of the reasons why the troops were marched in?

GOERING: No. Excuse me, there are two questions: I strongly Suspected that Seyss-Inquart wanted to be as independent as possible. The sending of troops had nothing at all to do with that Suspicion; not a single soldier would have been needed for that. I gave my reasons for the sending of the troops.

MR. JUSTICE JACKSON: But it was never intimated to Seyss-Inquart that Austria would not remain independent until after-as You put it- the Fuehrer and you were in control of Austria's fate? Is that a fact?

GOERING: That was certainly not told him beforehand by the Fuehrer. As far as I was concerned, it was generally known that I desired it, and I assume that he knew of my attitude.

MR. JUSTICE JACKSON: Now, you have stated that you then in conversation with Ribbentrop in London, stressed that no ultimatum had been put to Seyss-Inquart, and you have said that legally that was the fact.

GOERING: I did not say "legally," I said "diplomatically."

THE PRESIDENT: Is that a convenient time to break off?

MR. JUSTICE JACKSON: Yes, Your Honor.

[Testimony on 3/19/1946]

MR.JUSTICE JACKSON: I ask to have your attention called to Document Number 3575-PS (Exhibit Number USA-781) which is the minutes of the Reich Defense Council of 11/18/1938, with you presiding.

I call your attention that the "meeting consisted solely of a 3-hour lecture by the Field Marshal. No decision took place."

Is that correct?

[Document 3575-PS was submitted to the defendant.]

GOERING: I have to read it first, this is the first time I have seen the document.

MR. JUSTICE JACKSON: You did not know when you testified yesterday that we had this document, did you? Would you kindly answer that question?

GOERING: I have not seen this document before. I have to look at it first. It says here: "Notes on the session of the Reich Defense Council on 11/18/1938."

The Reich Defense Council, as it was described here, comprise few people. Here there were present, however, all Reich ministers and state secretaries, also the commanders-in-chief of the Army and the Navy, the chiefs of the General Staff, of the three branches of the Armed Forces, Reichsleiter Bormann for the Deputy of the Fuehrer, General Daluge, SS Gruppenfuehrer Heydrich, the Reich Labor Fuehrer, the Price Commissioner, the President of the Reich Labor Office, and others.

When I gave my testimony I was thinking only of the Reich Defense Council as such. This is dealing with the Reich Defense Council within the framework of a large assembly. Nevertheless I was not thinking of that; this concerns, over and beyond the Reich Defense Council, an assembly that was much larger than that provided for under the Reich Defense Council.

MR. JUSTICE JACKSON: I call your attention to the fact that the "Field Marshal stated it to be the task of the Reich Defense Council to correlate all the forces of the nation for accelerated building up of German armament."

Do you find that?

GOERING: Yes, I have it now.

MR. JUSTICE JACKSON: The second paragraph?

GOERING: Yes.

MR. JUSTICE JACKSON: Under II, "The Physical Task: The assignment is to raise the level of armament from a current index of 100 to one of 300."

GOERING: Yes.

DR.SIEMERS: I cannot quite see the reason why it repeatedly happens that the Defense does not receive documents that are discussed in Court and that are submitted to the Court. The document now discussed is also not known to us, at least not to me. During the last few days I have noticed that several times documents were suddenly presented by the Prosecution without any effort having been made to inform us of their existence.

MR. JUSTICE JACKSON: That is perfectly true, and I think every lawyer knows that one of the great questions in this case is credibility, and that if we have, in cross-examination, to submit every document before we can refer to it in cross-examination after we hear their testimony, the possibilities of useful cross-examination are destroyed.

Now, of course, he did not know; and we have had the experience of calling document after document to their attention, always to be met with some explanation, carefully arranged and read here from notes. No defendant has ever had better opportunity to prepare his case than these defendants, and I submit that cross-examination of them should not be destroyed by any requirement that we submit documents in advance.

THE PRESIDENT: Did you wish to say something?

DR. SIEMERS: Yes. I should like to make two points. First, I am entirely agreed if Mr. Justice Jackson wants to make use of the element of surprise. I should merely be thankful if the Defense then were also permitted to use the element of surprise. Yet we have been told heretofore that we must show every document we want to submit weeks ahead of time, so that the Prosecution has several weeks to form an opinion on it.

Secondly, if the element of surprise is being used, I believe that at least we, as Defense Counsel, should not be given this surprise at the moment when the document is submitted to the Court and to the witness. I have at this moment neither today's documents nor the documents of the previous days.

THE PRESIDENT: What you have just said is entirely inaccurate. You have never been compelled to disclose any documents which you wished to put to a witness in cross-examination. This is cross-examination and therefore it is perfectly open to Counsel for the Prosecution to put any document without disclosing it beforehand; just as Defense Counsel could have put any document to witnesses called on behalf of the Prosecution, if they had wished to do so, in cross-examination.

I am sure that if counsel for the defendants wish to re-examine upon any such document as this, a copy of it will be supplied to them for that purpose.

The Tribunal now rules that this document may be put to the witness now.

DR. SIEMERS: Does the Defense also have the opportunity, now that it is known to the entire Court, of receiving the document?

THE PRESIDENT: Yes, certainly.

DR. SIEMERS: I should be thankful if I could have a copy now.

MR. JUSTICE JACKSON: I am frank to say I do not know whether we have adequate copies to furnish them to all the Defense Counsel now.

THE PRESIDENT: Maybe you have not, but you can let them have one or more copies.

MR. JUSTICE JACKSON: But I do not think we should furnish copies until the examination with reference to that document is completed, that is to say...

THE PRESIDENT: Yes, Dr. Dix.

DR. DIX: I should like to make one request that at least the technical possibilities that at least the counsel of these defendants who are being cross-examined also be given the document that is submitted to the defendant, so that they are in a position, just as the Tribunal is, to follow the examination.

If Justice Jackson says that it is his opinion that it would be right for the defense counsel-in this case my colleague Stahmer to receive this document only after the examination-in this case of Goering-has ended, I beg earnestly, in the interest of the dignity and prestige of the Defense, to take objection to this suggestion of Justice Jackson's. I do not believe that he means by that to insinuate that the Defense Counsel would be able-having these documents in its hands at the same time as the Tribunal and at the

same time as the witness—somehow through signs or otherwise to influence the defendant and thereby disturb the cross-examination by Mr. Justice Jackson, or by the prosecutor. Mr. Justice Jackson certainly did not mean that, but one might draw that conclusion.

I therefore make this request: If in the cross-examination, for the purpose of the cross-examination, in view of the altogether justified element of surprise, a document is presented to a witness that at the same time is presented to the Tribunal, that at least a copy of this document be given at the same time to the defense counsel, the defense counsel concerned, either the one who has called the witness or the one whose defendant is in the witness box, so that he can have some idea of what the witness is being confronted with, for Goering could read this document, but Dr. Stahmer could not. In other words, he was not in a position to follow the next part of Mr. Justice Jackson's cross-examination. That is certainly not intended, and would certainly not be fair, and I should therefore like to ask Mr. Justice Jackson to reply to My suggestion, and my application, in order to arrive at an understanding and thereby to relieve the Tribunal of the decision on a question that to me seems self-evident.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal is inclined to think—the Tribunal certainly thinks—that you are perfectly right, that there is no necessity at all, as I have already stated, to disclose the document to the defendants before you use it in cross-examination. But, at the time you use it in cross-examination is there any objection to handing a copy of it to the counsel for the defendant who is being cross-examined?

JUSTICE JACKSON: In some instances it is physically impossible because of our situation in reference to these documents. A good many of these documents have come to us very lately. Our photostatic facilities are limited.

THE PRESIDENT: I am not suggesting that you should hand it to all of them, but only to Dr. Stahmer.

DR. JUSTICE JACKSON: If we have copies, I have no objection to doing that, but if we do not have them in German—our difficulty has always been to get German copies of these documents.

DR. DIX: May I say something else. If it is not possible in German, then it should at least be possible in English, for one English copy will certainly be available. Furthermore, if it is a question of German witnesses, such as Goering, the document will be shown him in German anyhow; it will certainly be shown the witness in German. I believe that will surely be possible.

[Dr. Siemers approached the lectern.]

THE PRESIDENT: We do not really need to hear more than one counsel on this sort of point. I have already ruled upon your objection, which was that the document should be produced before hand, but the Tribunal has already ruled that objection should be denied.

DR. SIEMERS: Mr. President, I am sorry. My motion was that the Defense Counsel should receive these documents at the same time the Tribunal does. I am not of the opinion expressed by Dr. Dix, that only one defense counsel should receive it. If it is a report regarding the Reich Defense Council, then it

is a document important to several defendants. One copy is therefore not sufficient, but each defense counsel must have one. I believe that Mr. Justice Jackson...

THE PRESIDENT: But not at this moment. There are, as we all know, the very greatest difficulties in producing all these documents, and extraordinary efforts have been made by the Prosecution and the Translating Division to supply the defendants with documents, and with documents in German, and it is not necessary that every member of the Defense Counsel have these documents at the time the witness is being cross-examined. I am sure the Prosecution will do everything it can to let you have the documents in due course- any document that is being used.

In the opinion of the Tribunal it is perfectly sufficient if one copy of the document is supplied to the counsel for the witness who is being cross-examined. As I say, the Prosecution will doubtless let you have copies of these documents in due course.

You are appearing for the Defendant Raeder, and the Defendant Raedfer, I am afraid, at the present rate will not be in the witness.

DR. SIEMERS: The result of that is that the defense counsel who is not momentarily concerned, cannot understand the cross examination. As to the technical question, I ask the Court to consider that I cannot follow Justice Jackson on this technical point. The document is mimeographed by means of a stencil. In mimeographing it makes no difference at all whether 20, 40, 80, or 150 copies are produced. It makes no difference from the point of view of time except perhaps 4 or 5 minutes. I consider for this reason that one can hardly refer to technical difficulties in this matter.

THE PRESIDENT: Counsel for the Prosecution will consider what you say, but no rule has been made by the Tribunal that every document should be supplied to every counsel during cross examination.

GOERING: I should like to say again in regard to the document that this is not.. .

MR. JUSTICE JACKSON: May I respectfully ask that the witness be instructed to answer the question and reserve his explanations until his counsel takes him on. Otherwise, this cross-examination cannot successfully be conducted, in the sense of being reasonable in time.

THE PRESIDENT: I have already explained, on several occasions, that it is the duty of defendants when they are in the witness box, and the duty of witnesses, to answer questions directly, if they are capable of being answered directly, in the affirmative or in the negative; and if they have any explanation to make afterwards, they can make it after answering the question directly.

MR. JUSTICE JACKSON: I call your attention to Item 3, under II. "Finances," reading as follows: "Very critical situation of the Reich Exchequer. Relief initially through the milliard imposed on the Jews and through profits accruing to the Reich from the Aryanization of Jewish enterprises."

You find that in the minutes, do you not?

GOERING: Yes, that is there.

MR. JUSTICE JACKSON: And you find the minutes signed by Woermann, do you not?

GOERING: No, that is not true. I beg your pardon? Here on the photostat Woermann has signed it, that is not Bormann. I know Bormann's signature well, it is quite different.

MR. JUSTICE JACKSON: I said Woermann.

GOERING: Woermann, yes.

MR. JUSTICE JACKSON: All right, my poor pronunciation Well, as it not a fact that you set up a working committee under the Reich Defense Council which did meet from time to time and did carry on certain work?

GOERING: I have already explained recently: That was the committee of departmental chiefs.

MR. JUSTICE JACKSON: And I call your attention to Document Number EC-405, minutes of a meeting of the Working Committee of the Reich Defense Council, Meeting Number 10.

GOERING: I understood the President to say before that when I have answered the question, I can add an explanation that seems necessary to me. Now that I have clearly answered your question with regard to the first document, I want to stress once again that this was not a meeting of the close Reich Defense Council but a general calling together of all ministers, state secretaries and numerous other persons. And that I began my statements as follows:

"I. Organization of the Reich Defense Council: The Reich Defense Council was already, by decision of the Cabinet of 1933-1934, called into being; but it has never met. Through the Reich Defense Law of 9/4/1938 it was re-established. The Chairman is the Fuehrer, who has appointed General Field Marshal Goering his permanent deputy."

Concerning the Reich Defense Council, about which we have been talking, consisting of Schacht—or rather of the triumvirate—it is attested here in writing once more, as I have correctly said, that this Council never met. I ask to have the question about the second document repeated, as I have forgotten it.

MR. JUSTICE JACKSON: You testified that the movement into the Rhineland had not been planned in advance.

GOERING: Only a short time in advance, I emphasized.

MR. JUSTICE JACKSON: How long?

GOERING: As far as I recall, at the most 2-3 weeks.

MR. JUSTICE JACKSON: Now, I call your attention to the minutes of the 10th meeting of the Working Committee of the Reich Defense Council, Document Number EC-405 toward the end of that document, the discussion on 6/26/1935, which reads as follows...

GOERING: May I ask what page? This document is very long and is new to me. What page, please, otherwise I shall have to read the whole document.

MR. JUSTICE JACKSON: Turn to the last paragraph and we will work backwards.

"Commitment to writing of directives for mobilization purposes is permissible only insofar as it is absolutely necessary for the smooth execution of the measures provided for the demilitarized zone. Without exception such material must be kept in safes."

Do you find that part?

GOERING: This document that has been handed to me contains alternating statements of various individuals, that is, a dialogue. May I ask once more . . . The last paragraph contains nothing of what you have stated, apparently there must be a difference between the German and English texts. The last paragraph here is altogether irrelevant. Where, please, am I to read in the document?

MR. JUSTICE JACKSON: Do you find the third paragraph from the end? If my document is correct we have got the same document.

GOERING: You must tell me who was speaking, for different persons speak here.

[The place in the document was indicated to the defendant.]

Now it has been shown to me. Under the name Jodl; I have to read through it first.

MR. JUSTICE JACKSON: Do you find this:

"The demilitarized zone requires special treatment. In his speech of 5/24/1935 and in other statements, the Fuehrer and Reich Chancellor declared that the stipulations of the Versailles Treaty and the Locarno Pact regarding the demilitarized zone would be observed."

Do you find this?

GOERING: Yes.

MR. JUSTICE JACKSON: And do you find the next paragraph,

"Since at present international entanglements must be avoided under all circumstances, all urgently needed preparations may be made. The preparations as such, or their planning, must be kept in strictest secrecy in the zone itself as well as in the rest of the Reich."

Do you find this?

GOERING: Yes.

MR. JUSTICE JACKSON: And you also find, "These preparations include in particular"-a) and b) are not important to my present question--"c) Preparation for the liberation of the Rhine."

GOERING: Oh, no, here you have made a great mistake. The original phrase-and this alone is the point in question-is: "c) Preparation for the clearing of the Rhine" It is a purely technical preparation that has nothing at all to do with the liberation of the Rhineland- Here it says, first, mobilization measures for transportation and communications, then "c) Preparation for the clearing of the Rhine," that is, in case of mobilization preparations the Rhine is ; not to be overburdened with freighters, tugboats, et cetera, but the river has to be clear for military measures. Then it continues: "d) Preparation

for local defense," et cetera. Thus you see, it figures among small quite general, ordinary and usual preparations for mobilization. The phrase used by the Prosecution . . .

MR. JUSTICE JACKSON: Mobilization, exactly.

GOERING: That, if you remember, I stressed clearly in my statement, that in the demilitarized zone general preparations for mobilization were made. I mentioned the purchase of horses, et cetera. I wanted only to point out the mistake regarding "clearing of the Rhine," which has nothing to do with the Rhineland, but only with the river.

MR. JUSTICE JACKSON: Well, those preparations were preparations for armed occupation of the Rhineland, were they not?

GOERING: No, that is altogether wrong. If Germany had become involved in a war, no matter from which side, let us assume from the East, then mobilization measures would have had to be carried out for security reasons throughout the Reich, in this event even in the demilitarized Rhineland; but not for the purpose of occupation, of liberating the Rhineland.

MR. JUSTICE JACKSON: You mean the preparations were not military preparations?

GOERING: Those were general preparations for mobilization, such as every country makes, and not for the purpose of the occupation of the Rhineland.

MR. JUSTICE JACKSON: But were of a character which had to be kept entirely secret from foreign powers?

GOERING: I do not think I can recall reading beforehand the publication of the mobilization preparations of the United States.

MR. JUSTICE JACKSON: Well, I respectfully submit to the Tribunal that this witness is not being responsive, and has not been in his examination, and that it is . . .

[The defendant interposed a few words which were not recorded.]

It is perfectly futile to spend our time if we cannot have responsive answers to our questions.

[The defendant interposed a few words which were not recorded.]

We can strike these things out. I do not want to spend time doing that, but this witness, it seems to me, is adopting, and has adopted in the witness box and in the dock, an arrogant and contemptuous attitude toward the Tribunal which is giving him the trial which he never gave a living soul, nor dead ones either.

I respectfully submit that the witness be instructed to make notes, if he wishes, of his explanations, but that he be required to answer my questions and reserve his explanations for his counsel to bring out.

THE PRESIDENT: I have already laid down the general rule which is binding upon this defendant as upon other witnesses.

Perhaps we had better adjourn now at this state.

[The Tribunal adjourned until 3/20/1946 at 1000 hours.].

[Testimony on 3/20/1946]

Morning Session

MR. JUSTICE JACKSON: If the Tribunal please, the last question which I asked last night referring to mobilization preparations in the Rhineland, as shown in the official transcript, was this: "But of a character which had to be kept entirely secret from foreign powers?" The answer was: "I do not believe I can recall the publication of the preparations of the United States for mobilization."

Now, representing the United States of America, I am confronted with these choices-to ignore that remark and allow it to stand for people who do not understand our system; or to develop, at considerable expense of time, its falsity; or to answer it in rebuttal. The difficulty arises from this, Your Honor, that if the witness is permitted to volunteer statements in cross-examination there is no opportunity to make objection until they are placed on the record. of course, if such an answer had been indicated by a question of counsel, as I respectfully submit would be the orderly procedure, would have been objection, the Tribunal would have been in a position to discharge its duty under the Charter and I would have been in a position to have shortened the case by not having that remark placed.

The Charter in Article 18 provides that the Tribunal shall rule out irrelevant issues and statements of any kind whatsoever. We are squarely confronted with that question; we cannot discharge those duties if the defendant is to volunteer these statements without questions which bring them up. I respectfully submit that, if the ruling of the Tribunal that the defendant may volunteer questions of this kind is to prevail, the control of these proceedings is put in the hands of this defendant, and the United States has been substantially denied its right of cross-examination under the Charter, because cross-examination cannot be effective under this kind of procedure. Since we cannot anticipate, we cannot meet..

THE PRESIDENT: I quite agree with you that any reference to by the United States' secrecy with reference to mobilization is entirely irrelevant and that the answer ought not to have been made, but the only rule which the Tribunal can lay down as a general rule is the rule-already laid down-that the witness must answer if possible "yes" or "no," and that he may make such explanations as may be necessary after answering questions directly in that way and that such explanations must be brief and not be speeches. As far as this particular answer goes, I think it is entirely irrelevant.

MR.JUSTICE JACKSON: I must, of course, bow to the ruling of the Tribunal, but it is to the second part, I quite recall the admonition of the Court that there shall be answers "yes" or "no. This witness, of course, pays not the slightest attention to that, and I must say I cannot blame him; he is pursuing his interests. But we have no way of anticipating, and here we are confronted with this statement in the record, because when these statements are volunteered they are in the record before the Tribunal can rule upon them and I have no opportunity to make objections, and the Tribunal have no opportunity to rule. And it puts, as I said before the control of these proceedings in the hands of the defendant, if he first makes the charges and then puts it up to us to ignore them or answer them by long cross-

examination in rebuttal; and I think the specific charge made against the United States of America from the witness stand presents that.

Your Honor now advises the United States that it is an improper answer, but it is in the record and we must deal with it. I respectfully submit that unless we have...

THE PRESIDENT: What exactly is the motion you are making? Are you asking the Tribunal to strike the answer out of the record?

MR. JUSTICE JACKSON: Well, no; in a Trial of this kind, where propaganda is one of the purposes of the defendant, striking out does no good after the answer is made, and Goering knows that as well as I. The charge has been made against the United States and it is in the record. I am now moving that this witness be instructed that he must answer my questions "yes" or "no" if they permit an answer, and that the explanation be brought out by his counsel in a fashion that will permit us to make objections, if they are irrelevant, and to obtain rulings of the Tribunal, so that the Tribunal can discharge its functions of ruling out irrelevant issues and statements of any kind whatsoever. We must not let the Trial degenerate into a bickering contest between counsel and the witness. That is not what the United States would expect me to participate in. I respectfully suggest that if he can draw any kind of challenge . . .

THE PRESIDENT: Are you submitting to the Tribunal that the witness has to answer every question "yes" or "no" and wait until he is re-examined for the purpose of making any explanations at all?

MR. JUSTICE JACKSON: I think that is the rule of cross examination under ordinary circumstances. The witness, if the question permits it, must answer, and if there are relevant explanations they should be reserved until later.

Now let me come back to the specific problem I have right here this morning. Here is an answer given which the Tribunal now rules is irrelevant- But we have no opportunity to object to it. The Tribunal had no opportunity to rule upon it. The witness asks, "Did you ever hear of the United States publishing its plan of mobilization?" Of course, we would have objected. The difficulty is that the Tribunal loses control of these proceedings if the defendant, in a case of this kind where we all know propaganda is one of the purposes of the defendant, is permitted to put his propaganda in, and then we have to meet it afterwards. I really feel that the United States is deprived of the opportunity of the technique of cross-examination if this is the procedure.

THE PRESIDENT: Surely it is making too much of a sentence the witness has said, whether the United States makes its orders for mobilization public or not. Surely that is not a matter of very great importance. Every country keeps certain things secret. Certainly it would be much wiser to ignore a statement of that sort. But as to the general rule, the Tribunal will now consider the matter. I have already laid down what I believe to be the rule, and ; I think with the assent of the Tribunal, but I will ascertain...

MR.JUSTICE JACKSON: Let me say that I agree with Your Honor that as far as the United States is concerned we are not worried by anything the witness can say about it-and we expected plenty. The point is, do we answer these things or leave them, apart from the control of the Trial? And it does seem

to me that this is the beginning of this Trial's getting out of hand, if I may say so, if we do not have control of this situation. I trust the Tribunal will pardon my earnestness in presenting this. I think it is a very vital thing.

THE PRESIDENT: I have never heard it suggested that the Counsel for the Prosecution have to answer every irrelevant observation made in cross-examination.

MR. JUSTICE JACKSON: That would be true in a private litigation, but I trust the Court is not unaware that outside of this courtroom is a great social question of the revival of Nazism and that one of the purposes of the Defendant Goering-I think he would be the first to admit-is to revive and perpetuate it by propaganda from this Trial now in process.

THE PRESIDENT: Yes, Doctor Stahmer?

DR. STAHLER: I just wanted to explain the following: An accusation has been made as if we intended to make propaganda here for Nazism, or in some other direction. I do not think this accusation is justified. Neither do I believe that the defendant intended to make an accusation against the United States. I think we have to consider the question that was put to him. That is, it was pointed out to him by the Prosecution that this document which was submitted to him was marked "secret." Then he stated that he had never heard that a document of that kind would have been made public in the United States. If instead of the U.S-A- he had said any other nation, then the remark would have been considered harmless.

In my opinion the answer was quite justified. The witness should be given the possibility not only to answer "yes" or "no," but to give reasons for his answer, as ruled by the Court.

THE PRESIDENT: Mr. Justice Jackson, the Tribunal considers that the rule which it has laid down is the only possible rule and that the witness must be confined strictly to answering the question directly where the question admits of a direct answer, and that he must not make his explanation before he gives a direct answer but, after having given a direct answer to any question which admits of a direct answer, he may make a short explanation; and that he is not to be confined simply to making direct answers "yes" or "no," and leaving the explanation until his counsel puts it to him in his re-examination.

As to this particular observation of the defendant, the defendant ought not to have referred to the United States, but it is a matter which I think you might well ignore.

MR. JUSTICE JACKSON: I shall bow to the ruling, of course.

wish to make a statement to the Tribunal about one of the documents. At the conclusion of the session yesterday we were considering Document Number EC-405. The Defendant Goering challenged the use of a word which he said should have been translated "clearance" rather than "liberation." We have since had the translation checked and find that the defendant is correct. This document was introduced under Exhibit Number GB-160 on the 9th of January, at Page 2396 of the Tribunal's records (Volume V, Page 28), and since it has already been received in evidence and it is before the Tribunal, we think it incumbent upon the Prosecution to make that correction now for the record.

[Turning to the witness.] You stated yesterday that the minutes of the Reich Defense Council with which you were presented were not minutes of a meeting of the Reich Defense Council as such? [=]

Title: "Eighty-Sixth Day, Wednesday, 3/20/1946, Part 02", in Trial of the Major War Criminals Before the International Military Tribunal. Volume IX. Proceedings: 3/8/1946-3/23/1946. [Official text in the English language.] Nuremberg: IMT, 1947. pp. 512-514.

GOERING: Yes, I said that.

MR. JUSTICE JACKSON: And your testimony, notwithstanding that document, still stands, I take it, that the Reich Defense Council never met?

; GOERING: I said that also, yes.

MR. JUSTICE JACKSON: I now ask to have you shown a document which has just come into our possession, the minutes of the second session of the Reich Defense Council. I should have said, just come to us for translation. We have not had it translated; we just discovered it among our great collection of documents.

THE PRESIDENT: Could Doctor Stahmer have a copy in English or not?

MR. JUSTICE JACKSON: We have not even had a chance to get it into English. I do not know what it says except that it is the minutes of their meeting. We have a photostat.

[Turning to the witness.] Are those not the minutes of the second meeting of the Reich Defense Council held on the 6/23/1939?

GOERING: I must read it first.

MR. JUSTICE JACKSON: I call your attention to the fact that the chairman is Minister President General Field Marshal Goering. You will find that on Page 1.

GOERING: I have never disputed that. It was fixed by law. This deals with the second Reich Defense Council, not the first one. Besides, I was not present at this meeting; and I point out that on the left is a list of the authorities who took part in the meeting, and in my case it says "Minister President Field Marshal Goering," and on the right, as representative for him, "State Secretary Korner and State Secretary Neumann." But I shall have to look through the document first in order to find out whether I took part personally.

MR. JUSTICE JACKSON: Does it not say on Page 1, directly under the place of meeting, "Chairman: Minister President Goering"?

GOERING: Yes. I have to read it first.

MR. JUSTICE JACKSON: Do you deny the authenticity of those minutes?

GOERING: I have not looked them through yet.

It seems to be an absolutely authentic copy of the minutes; I admit that. But here again we are dealing with a meeting not as I said when answering my counsel, of the Reich Defense Council but of a larger meeting in which many other departments participated and it is a matter of the second Reich Defense Council, which was set up after 1938, not a secret council such as was the case from 1933-1938.

MR. JUSTICE JACKSON: In other words, in interpreting your testimony, we must understand that, when you say there was a meeting of the Reich Defense Council, you mean only that there were no meetings at which no other people were present?

GOERING: No, that is not correct. There were two Reich defense laws concerning the Reich Defense Council, which I tried to explain in my statement: the Secret Council of 1933-1938, which was not made public, and the Reich Defense Council which was created 1933 and converted into the Ministerial Council in 1939; the latter held meetings which were in no way confined to its own members.

MR. JUSTICE JACKSON: Then you say that this was not the Defense Council that met under the ban of secrecy?

GOERING: The Prosecution want me to answer first with "yes" or "no." It is hard to answer this question with "yes" or "no." I assert that the Secret Defense Council, which was not made public and which arose out of a meeting of ministers in 1933, never met. After 1938 a new Reich defense law created a new council. At that time it was clear that our military sovereignty had already been declared. This first council, which the Prosecution called the secret one, never met, and the document of yesterday proved that.

MR. JUSTICE JACKSON: Will you refer to Page 19 of this document, please, and tell me whether one of the very things with which this meeting concerned itself was not the lifting of the secrecy ban from the Reich defense law?

GOERING: No, that is not the way it reads here. If I may translate it, the last point on the agenda: Consequences resulting from the lifting of the secrecy ban on the Reich defense law and measures to expedite procedures have already been dealt with by a letter from the Reich Defense Committee on 26 June: "Consequences resulting from the lifting of the secrecy ban with a view to expediting written communications."

MR. JUSTICE JACKSON: You have stated that on the Jewish question, some of the members of the government were more radical than you. Would you state who these were?

GOERING: Broadly speaking, when we took over the government, we only demanded their removal from political and other leading positions in the State.

MR. JUSTICE JACKSON: That is not what I asked you.

THE PRESIDENT: That is not a direct answer to the question. The question was that you said some members of the government were more radical toward Jews than you were. Would you tell us which of the members of the government were more radical than you were?

GOERING: Excuse me, I did not understand the question to mean who were more radical, but in what way they were more radical. If you ask who, then I would say that those were primarily Minister Goebbels and Himmler.

MR. JUSTICE JACKSON: Do you also include your co-defendant, Streicher, as more radical than you?

GOERING: Yes, but he was not a member of the government.

MR. JUSTICE JACKSON: He was the Gauleiter, was he not, or this very territory in which we are sitting.

GOERING: That is correct; but he had very little or no influence in government measures.

MR. JUSTICE JACKSON: What about Heydrich?

GOERING: Heydrich was subordinate to Himmler. If I said Himmler, I, of course, include Heydrich.

MR. JUSTICE JACKSON: Heydrich is then included in the list the more radical ones to whom you refer?

GOERING: That is right; yes.

MR. JUSTICE JACKSON: What about Bormann?

GOERING: It was only during the later years that I observed at Bormann was becoming more radical. I do not know anything about his attitude in the beginning.

MR. JUSTICE JACKSON: Now, I want to review with you briefly what the Prosecution understands to be public acts taken by you in reference to the Jewish question. From the very beginning you regarded the elimination of the Jews from the economic life of Germany as one phase of the Four Year Plan under your jurisdiction, did you not?

GOERING: The elimination, yes; that is partly correct. The elimination as far as the large industries were concerned, because there were continual disturbances due to the fact that there were large industries, also armament industries, still partly under Jewish directors, or with Jewish shareholders, and that gave rise to a certain anxiety among the lower ranks.

MR. JUSTICE JACKSON: Now, do I understand that you want the Tribunal to believe that all you were concerned about was the big Jewish enterprises? That is the way you want to be understood?

GOERING: I was not at first disturbed by the small stores. They did not come into the Four Year Plan.

MR. JUSTICE JACKSON: When did you become disturbed by the small stores?

GOERING: When trade had to be limited, it was pointed out that this could be done first by closing the Jewish stores.

MR. JUSTICE JACKSON: Now, let us go through the public acts which you performed on the Jewish question. First, did you proclaim the Nuremberg Laws?

GOERING: As President of the Reichstag, yes. I have already stated that.

MR. JUSTICE JACKSON: What date was that?

GOERING: 1935, I believe; here in Nuremberg, in September.

MR. JUSTICE JACKSON: That was the beginning of the legal measures taken against the Jews, was it not?

GOERING: That was a legal measure.

MR. JUSTICE JACKSON: That was the first of the legal measures taken by your government against the Jews, was it not?

GOERING: No, I believe the removal from office was before.

MR. JUSTICE JACKSON: When was that?

GOERING: I could not state the exact date, but I believe that happened in 1933.

MR. JUSTICE JACKSON: Then on the first day of 12/1936, you promulgated an act making it a death penalty for Germans to transfer property abroad or leave it abroad; the property of a culprit to be forfeited to the State, and the People's Court given jurisdiction to prosecute, did you not?

GOERING: That is correct; the "Decree Governing Restriction on Foreign Currency." That is to say, whoever had an account in a foreign country without permission of the government.

MR. JUSTICE JACKSON: Then, your third public act was on 4/22/1938 when you published penalties for veiling the character of a Jewish enterprise within the Reich, was it not?

GOERING: Yes.

MR. JUSTICE JACKSON: Then on 7/28/1939, you, Hermann Goering, published certain prescriptions on the competence of the courts to handle those matters by the decree, did you not?

GOERING: Please, would you kindly read the law to me? I cannot recall it.

MR. JUSTICE JACKSON: I will not take time reading it. Do you deny that you published the Reichsgesetzblatt law, 1939, found on Page 1370, referring to the competence of the courts to handle penalties against Jews? If you do not remember, say so.

GOERING: Yes, I say that I cannot remember the law. If it is in the Reichsgesetzblatt and bears my name, then, of course, it is so; but I do not remember the contents.

MR. JUSTICE JACKSON: Now, on 4/26/1938 you, under the Four Year Plan, published a decree providing for the registration of Jewish property and provided that Jews inside and outside Germany must register their property, did you not?

GOERING: I assume so. I no longer remember it, but if you have the decree there, and if it is signed by me, there cannot be any doubt.

MR. JUSTICE JACKSON: On 4/26/1938 you published a decree under the Four Year Plan, did you not, that all acts of disposal of Jewish enterprises required the permission of the authorities?

GOERING: That I remember.

MR. JUSTICE JACKSON: Then you published on 11/12/1938 a decree, also under the Four Year Plan, imposing a fine of a RM1 billion for atonement on all Jews?

GOERING: I have already explained that all these decrees at that time were signed by me, and I assume responsibility for them.

MR. JUSTICE JACKSON: Well, I am asking you if you did not sign that particular decree? I am going to ask you some further questions about it later.

GOERING: Yes.

MR. JUSTICE JACKSON: Then on the 11/12/1938, you also signed a decree that, under the Four Year Plan, all damage caused to Jewish property by the riots of 1938 must be repaired immediately by the Jews, and at their own expense; and their insurance claims were forfeited to the Reich. Did you personally sign that law?

GOERING: I did sign a similar law. Whether it was exactly the same as you have just read, I could not say.

MR. JUSTICE JACKSON: You do not disagree that that was the substance of the law, do you?

GOERING: No.

MR. JUSTICE JACKSON: And on the 11/12/1938, did you not also personally sign a decree, also under the Four Year Plan, that Jews may not own retail stores, or engage independently in handicrafts or offer goods, or services, for sale at markets, fairs, or exhibitions; or act as leaders of enterprises or as members of cooperatives? Do you recall all of that?

GOERING: Yes. Those are all parts of the decrees for the elimination of Jewry from economic life.

MR. JUSTICE JACKSON: Then, on the 2/21/1939, You personally signed a decree, did you not, that the Jews must render all objects of precious metals and jewels purchased, to the public office within 2 weeks?

GOERING: I do not remember that, but without doubt, that is correct.

MR. JUSTICE JACKSON: I refer to Volume I of the Reichsgesetzblatt, 1939, Page 282. You have no recollection of that?

GOERING: I have not the Reichsgesetzblatt in front of me now but if there is a decree in the Reichsgesetzblatt, or a law Signed with my name, then I signed that law and decreed it.

MR. JUSTICE JACKSON: Did you not also, on the 3/3/1939, sign a further decree concerning the period within which items of jewelry must be surrendered by Jews-Reichsgesetzblatt Volume I, 1939, Page 387?

GOERING: I assume that was the decree for the execution of the decree for surrender previously mentioned. A law sometimes requires regulations and decrees for execution consequent upon the law. Taken together, this is one single measure.

MR. JUSTICE JACKSON: Did you not also sign personally a decree under the Four Year Plan, of the 17th of September 1940 ordering the sequestration of Jewish property in Poland?

GOERING: Yes, as I stated before, in that part of Poland which, I may say, as an old German province, was to return to Germany.

MR. JUSTICE JACKSON: Did you not also, on the 11/30/1940, personally sign a decree which provided that the Jews should receive no compensation for damages caused by enemy attacks or by German forces, and did you not sign that in the capacity of President of the Reich Defense Council? I refer to the Reichsgesetzblatt, Volume I, 1940, Page 1547.

GOERING: If you have it there before you, then it must be correct.

MR. JUSTICE JACKSON: You have no recollection of that?

GOERING: Not of all the separate laws and decrees. That is impossible.

MR. JUSTICE JACKSON: Then, it was you, was it not, who signed, on the 7/31/1941, a decree asking Himmler, and the Chief of Security Police and the SS Gruppenfuehrer Heydrich to make the plans for the complete solution of the Jewish question?

GOERING: No, that is not correct. I know that decree very well.

MR. JUSTICE JACKSON: I ask to have you shown Document 710, Exhibit Number USA-509.

THE PRESIDENT: Is that 710-PS?

MR. JUSTICE JACKSON: 710-PS, Your Honor.

Turning to the witness.⁷ That document is signed by you, is it not?

GOERING: That is correct.

MR. JUSTICE JACKSON: And it is addressed to the Chief of the Security Police and the Security Service, and to SS Gruppenfuehrer Heydrich, isn't it?

GOERING: That is also correct.

MR. JUSTICE JACKSON: I am not certain whether the entire thing has been read into the record, but I think it should be; and, that we may have no difficulty about the translation of this, you correct me if I am wrong:

"Completing the task that was assigned to you on the 1/24/1939..."

GOERING: Here is a mistake already. It says: "Complementing" not "completing" the task which has been assigned to you.

MR.JUSTICE JACKSON: Very well, I will accept that ". . . which dealt with arriving at a thorough furtherance of emigration and evacuation, a solution of the Jewish problem, as advantageously as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe."

Am I correct so far?

GOERING: No, that is in no way correctly translated.

MR. JUSTICE JACKSON: Give us your translation of it?

GOERING: May I read it as it is written here?

"Complementing the task which was conferred upon you already on 1/24/1939, to solve the Jewish problem by means of emigration and evacuation in the best possible way according to present conditions, I charge you herewith to make all necessary preparations as regards organizational, factual, and material matters...."

Now comes the decisive word which has been mistranslated: "for total solution," not "for a final solution."

". . . for a total solution of the Jewish question within the area of German influence in Europe. Should these come within the competence of other governmental departments, then such departments are to co-operate.

"I charge you further to submit to me as soon as possible a general plan showing the organizational and material measures for reaching the desired total solution of the Jewish question.... Complementing the task assigned to you on 1/24/1939...."

That was at a time when there was no war or prospect of a war.

MR. JUSTICE JACKSON: Now are you reporting the instrument or are you making an explanation?

GOERING: I wanted to add an explanation to the quotation and just to point out the date.

MR. JUSTICE JACKSON: Yes. Well, I just did not want it to appear that it was a part of the instrument. The last that is contained in the instrument is:

"I charge you furthermore to send me, before long, an overall plan concerning the organizational, factual, and material measures necessary for the accomplishment of the desired solution of the Jewish question."

Is that not a substantially accurate translation of your order to Heydrich and Himmler?

GOERING: To Heydrich and the other government departments which had anything to do with it. That can be seen from the first part of the letter, the last sentence.

MR. JUSTICE JACKSON: Let us have no misunderstanding about this translation now. This letter was directed to the Chief of the Security Police and the Security Service, and SS Gruppenfuehrer Heydrich. We are right about that, are we not?

GOERING: That is correct, but I have to make an explanation in connection with that.

MR. JUSTICE JACKSON: All right.

GOERING: The reason I sent this letter to him was that, by the decree of 1/24/1939, Heydrich, or it may have been Himmler had been given the task of dealing with the emigration of the Jews. Therefore, this was the government department concerned, and it was to the department which had been given the task that I had to apply concerning all material and economic matters arising therefrom.

MR. JUSTICE JACKSON: Yes. And you ordered all other governmental agencies to co-operate with the Security Police and the SS in the final solution of the Jewish question, did you not?

GOERING: There is nothing about the SS here, only about the Sicherheitspolizei, a governmental agency. The fact that Heydrich was SS Gruppenfuehrer had no direct bearing on it, because it was sent to the Chief of the Security Police--mentioning his rank as SS Gruppenfuehrer Heydrich.

MR. JUSTICE JACKSON: And mentioning his rank in the SS was just superfluous and has nothing to do with the case?

GOERING: I have to explain that. For instance, if I write to the Commander-in-Chief of the Army, then I write: "To the Commander-in-Chief of the Army, Colonel General or Field Marshal Von Brauchitsch." And if I write to the Chief of the Security Police, then I must address it: "To the Chief of the Security Police, SS Gruppenfuehrer Heydrich." That was his rank and his title. How ever that does not mean that the SS had anything to do with it.

MR. JUSTICE JACKSON: Now, at the time that you issued this order you had received complete reports as to the 1938 riots and Heydrich's part in them, hadn't you?

GOERING: At that time I had no knowledge of Heydrich's part in the riots--only Heydrich's report on the riots, for which I had asked.

MR. JUSTICE JACKSON: All right. Now we will show you Document Number 3058-PS, in evidence as Exhibit Number USA-508.

[Document 3058-PS was submitted to the witness.]

That is the report written by Heydrich which you say you had received, and it is dated 11/11/1938, is it not?

GOERING: That is correct.

MR. JUSTICE JACKSON: And it recited to you the looting of Jewish shops, the arrest of 174 persons for looting, the destruction of 815 shops, 171 dwellings set on fire or destroyed, and that this indicated only a fraction of the actual damage caused; 191 synagogues were set on fire, and another 76 completely destroyed; in addition, 11 parish halls, cemetery chapels, and similar buildings were set on fire, and 3

more completely destroyed; 20000 Jews were arrested; also, 7 Aryans and 3 foreigners-the latter were arrested for their own safety; 36 deaths were reported, and the seriously injured were also numbered at 36. Those killed and injured are Jews. One Jew is still missing. The Jews killed include 1 Polish national, and those injured include 2 Poles.

You had that report on or about the 11/11/1938, did you not?

GOERING: That is correct. That is the report mentioned by me and which I had asked the police to supply, because I wanted to know what had happened up to then.

MR. JUSTICE JACKSON: Exactly. And the note was made at the top of it, The General Field Marshal has been informed and no steps are to be taken." Was it not?

GOERING: That is not quite correct. It says here, "General Field Marshal has taken note. No steps are to be taken by any other Office, because I myself wanted to take them.

MR. JUSTICE JACKSON: Now, you know that that is not true, do you not, that steps were to be taken by some other office? I put it to you squarely whether you are telling this Tribunal the truth when you say that no steps were to be taken by anyone else.

GOERING: This is a note by my staff department, that nothing was to be done by that quarter, because I said I was going to deal with it personally. In fact I went straight to the Fuehrer with this report.

MR. JUSTICE JACKSON: All right. Did you receive a report from the Chief Party Judge of the Nazi Party, dated Munich, the 2/13/1939, concerning the proceedings taken by the Party in these matters?

GOERING: That is correct. I received that report much later.

MR. JUSTICE JACKSON: And at the time you appointed-I withdraw the question. It is obvious from the dates of the documents. You acknowledged the receipt of that document, did you not, to Party member Buch?

GOERING: That is also correct.

MR. JUSTICE JACKSON: And the only proceedings that were taken about these riots were those taken by the Party Court, were they not?

GOERING: Not quite; some were brought before the law courts. That is in the report also.

MR. JUSTICE JACKSON: I ask that he be shown the report, which is Document 3063-PS. It is not in evidence. Since the document apparently has not been brought here, I will ask you from your recollection.

GOERING: I know it fairly well.

MR. JUSTICE JACKSON: I thought so.

GOERING: No, because it has been submitted to me before, here.

MR. JUSTICE JACKSON: Yes, it has not been kept from you. Now, in the first place, the Party Court reported that it was probably understood-I quote—"by all of the Party leaders present from oral instructions of the Reich Propaganda Director, that the Party should not appear outwardly as the originator of the demonstrations, but in reality should organize and execute them." Was that the report of the Party Court?

GOERING: The Party Court, as a result of its investigation established that the Propaganda Chief, Dr. Goebbels, had given these directives. May I ask, if we are dealing with a report dated March or maybe April?

MR. JUSTICE JACKSON: The 2/13/1939, is the date.

GOERING: Yes, that is correct; that is the result of investigations after the incidents.

MR. JUSTICE JACKSON: That is right. Now, as a result of the riots, did the Court, the Party Court, not also report this to you: that the Supreme Party Court has reserved itself the right to investigate the killings, also the severe mistreatment and moral aims and will request the Fuehrer to drop proceedings against any person whom the Party Court did not find guilty of excesses?

GOERING: That is correct.

MR. JUSTICE JACKSON: And the Party Court was made up of Gauleiter and Group Leaders of the Party?

GOERING: The Party Court changed. I cannot say just now, without having the document, who made up the Party Court at that time. I see that I am being given the document.

MR. JUSTICE JACKSON: I call your attention to Page 4, toward the bottom, where the report says, "Gauleiter and Group Leaders of the branches served as jurors at the trials and decisions."

GOERING: Yes, it was a matter of course that the jurors of the Party Court were always taken from these categories according to their importance. I wanted only to say I did not know which persons were taking part here.

MR. JUSTICE JACKSON: Now, the Party Court found five persons guilty of offenses, did they not? Number 1, a Party member, was guilty of a moral crime and race violation and he was expelled. Is that right?

GOERING: And turned over to the penal court. That is what it says in the last sentence.

MR. JUSTICE JACKSON: That is right. Another Party member, Case Number 2, was suspected of race violation and expelled from the Nazi Party.

GOERING: Expelled for suspected race violation and theft, and turned over to the ordinary court.

MR. JUSTICE JACKSON: Yes; and Number 2, Gustav, was expelled from the Party and SA for theft. Right?

GOERING: You are at Number 3?

MR. JUSTICE JACKSON: I have Number 2, Gustav, the first name mentioned.

GOERING: Gustav is the first name- Gerstner-yes, for theft, also turned over to the ordinary court for suspected race violation.

MR. JUSTICE JACKSON: Now, Number 3 dealt with two expulsions of Party members on the grounds of moral crimes against a Jew, and they are now held in protective custody. Right?

GOERING: Expelled from the NSDAP and taken into protective custody; they were also turned over to the civil court later. I know that very well.

MR. JUSTICE JACKSON: Now, we come to Cases 4 and 5, the first of which was a man, a Party member and SA member, who was reprimanded and declared unfit to hold office for 3 years because of a disciplinary offense, namely, for killing the Jewish couple Selig, contrary to order. Is that right?

GOERING: That is correct.

MR. JUSTICE JACKSON: And in the last of these cases the offender was reprimanded and declared unfit to hold office for 3 years for shooting a 16-year-old Jew, contrary to orders after completion of the drive. Is that right?

GOERING: That is correct.

MR. JUSTICE JACKSON: We now come to the cases of the killing of Jews, where proceedings were suspended or minor punishments pronounced. I will not go through those in detail, but it is a fact that only minor punishments were pronounced by the Supreme Court of the Party for the killing of Jews, were they not?

GOERING: Yes, that is correct.

MR. JUSTICE JACKSON: I now ask you to turn to Page 8.

GOERING: One moment please.

MR. JUSTICE JACKSON: I call your attention to the language in regard to Cases 3 to 16.

GOERING: Which page, please?

MR. JUSTICE JACKSON: Nine, I believe it is. The Supreme Party Court asks the Fuehrer to quash the proceedings in the State criminal courts.

Goering; To quash them, to beat them down, that does not mean suppress. A penal proceeding can be "niedergeschlagen." In Germany that is a different thing from "suppress."

MR. JUSTICE JACKSON: Well, you give us your version of it and tell us what it is. What does beating down a proceeding mean? Does it mean that it has ended?

GOERING: That is what it means, but it can only be ordered by an office which has authority to do it; that is to say, the Fuehrer can at any time "beat down" a proceeding by way of an amnesty The Cabinet

could at any time pass a resolution to "beat down" a proceeding-suppressing it would have been illegal. In Germany, "niedergeschlagen" is a legal term meaning "to suspend."

MR. JUSTICE JACKSON: And one further question. It was also reported to you, was it not, in that report-I refer to Page 11:

"The public down to the last man realize that political drives, like those of 9 November, were organized and directed by the Party, whether this is admitted or not. When all the synagogues burned down in one night, it must have been organized in some way and can only have been organized by the Party."

That also was in the report of the Supreme Party Court, was it not?

GOERING: I have not found it yet. It is not the same page as mine.

MR. JUSTICE JACKSON: Let us find it and not have any mistake about it. Page 11. I should think it would be at the very bottom of Page 10, perhaps, where it starts.

GOERING: Yes, I have just found it.

MR. JUSTICE JACKSON: Did I give a reasonably correct translation of it?

GOERING: That is correct.

THE PRESIDENT: Would that be a convenient time to break it off? Before we break off, will you offer in evidence these documents that you have been putting to the witness? Those which are not already in evidence?

MR. JUSTICE JACKSON: Yes, they should be, Your Honor, I will do that.

THE PRESIDENT: I think Document 3575-PS may have been offered yesterday, but not strictly offered in evidence; and Document 3063-PS today; and one other document the number of which I have not got.

MR. JUSTICE JACKSON: I appreciate very much your calling my attention to it.

[A recess was taken.]

DR. HORN: Mr. President: I ask you, Your Honor, to permit the Defendant Von Ribbentrop to be absent from tomorrow's session as there are still some fundamental questions I have to discuss with him in order to prepare his counterevidence.

THE PRESIDENT: Dr. Horn, your suggestion as I understand it, is that the Defendant Ribbentrop should be absent from tomorrow morning's sitting in order that you may consult with him in reference to the preparation of his defense. Is that right?

DR.HORN: Yes.

THE PRESIDENT: The Tribunal has no objection to that course being taken provided that you make arrangements with some other Defense Counsel to look after Defendant Ribbentrop's interests if any questions arise. The Tribunal does not wish that you should come hereafter and say that you and

Defendant Ribbentrop were out of court and object to what may have happened in your absence. You understand what I mean?

DR. HORN: Yes, Mr. President, and I give you my assurance that I will not use an objection of that nature, and shall ask one of my colleagues to act on my behalf.

THE PRESIDENT: The Tribunal has no objection to your taking that course of action, but of course you realize that the Trial cannot be held up by any delay which might be caused in the future by the fact that you were not present.

DR. HORN: Mr. President, the purpose of my request is such that it will help me to avoid future delays.

THE PRESIDENT: Yes, I quite understand that. I was only saying that in allowing you to do this, which is perfectly reasonable, the Tribunal is merely indicating they will not allow any future delays. The Trial must continue.

DR. HORN: I understand that and I wish to thank you.

MR. JUSTICE JACKSON: [Turning to the witness.] Now, the Volkischer Beobachter of the 3/12/1933 quotes a speech of yours delivered at Essen on the 3/11/1933, including the following—and I refresh your recollection by calling it to your attention:

"I am told that I must employ the police. Certainly I shall employ the police, and quite ruthlessly, whenever the German people are hurt; but I refuse the notion that the police are protective troop for Jewish stores. No, the police protect whoever comes into Germany legitimately, but it does not exist for the purpose of protecting Jewish usurers." Did you say that?

GOERING: When did you say that was?

MR. JUSTICE JACKSON: Did you say that on the 3/11/1933 in a speech at Essen, either that, or that in substance?

GOERING: That is correct, but the circumstances were different. Before I answer, I would like to ask whether you have finished with the document in the book that was submitted to me previously. I gave no explanation and will ask my counsel to have me questioned later in regard to that document.

MR. JUSTICE JACKSON: That is satisfactory.

After the riots of November 9th and 10th, you have testified that you called a meeting on the 12th of November and ordered all officials concerned to be present, and that the Fuehrer had insisted on Goebbels being present.

GOERING: Yes, all chiefs of the economic departments.

MR. JUSTICE JACKSON: Could you tell us who was there in addition to yourself and Goebbels?

GOERING: As far as I recall, the following were there for the purpose of reporting: The Chief of the Secret State Police, concerning the events, the Minister of Economy, the Minister of Finance, the Minister of the Interior...

MR. JUSTICE JACKSON: Will you please state their names so that there will not be any mistake about who was there at that time.

GOERING: I can quote only from memory. There were present to draw up a report: The leader of the Secret State Police in Berlin, Heydrich; the Minister of the Interior, Dr. Frick; Dr. Goebbels you have mentioned already; the then Minister of Economy, Funk, was there; the Finance Minister, Count Schwerin von Krosigk; and Fischbock from Austria.

Those are the only names I can recall at present, but there may have been a few others there too.

MR. JUSTICE JACKSON: Part of the time, Hilgard, representing the insurance companies, was also present, was he not?

GOERING: He was summoned and waited there. His views were asked on special questions.

MR. JUSTICE JACKSON: Now, you have been shown the stenographic minutes of that meeting which are in evidence as Exhibit Number USA-261, being Document Number 1816-PS, have you not, in your interrogation?

GOERING: Yes.

MR. JUSTICE JACKSON: I will ask that they be shown to you, and now, so that we may have no misunderstanding about the translations.

You opened the meeting with this statement. I will read it: "Gentlemen..." I think perhaps we had better be clear about which meeting it was. This is the meeting held on the 11/12/1938 at the office of the Reich Air Ministry. That is correct, is it not?

GOERING: Yes, that is correct.

MR. JUSTICE JACKSON: You opened the meeting:

"Gentlemen, today's meeting is of a decisive nature. I have received a letter written OD the Fuehrer's orders by the Stabsleiter of the Fuehrer's Deputy, Bormann, requesting that the Jewish question be now, once and for all, coordinated and solved one way or another."

Is that correct?

GOERING: Yes, that is correct.

MR. JUSTICE JACKSON: Further down, I find this:

"Gentlemen, I have had enough of these demonstrations. They do not harm the Jews, but finally devolve on me, the highest authority for the German economy. If today a Jewish shop is destroyed, if goods are thrown into the street, the insurance company will pay the Jew for the damages so that he does not suffer any damage at all. Furthermore, consumer goods, goods belonging to the people, are destroyed. If, in the future, demonstrations occur-and on occasion they may be necessary-then I ask that they be so directed that we do not cut our own throats."

Am I correct?

GOERING: Yes, quite correct.

MR. JUSTICE JACKSON: Skipping two or three paragraphs, I come to this...

GOERING: But the supplement has been omitted.

MR. JUSTICE JACKSON: Well, you can supplement it any way you want to.

GOERING: "...then I ask that they be so directed that we do not cut our own throats. For it is absurd to empty and set fire to a Jewish store, when a German insurance company has to cover the damage, and the goods which I sorely need are burned. I might as well take and burn the raw materials when they come in."

MR. JUSTICE JACKSON: That is right. You read any part of it that you want to as we go along, in addition to what I read.

"I am not going to tolerate a situation in which the German insurance companies are the ones to suffer. To prevent this, I will use my authority and issue a decree. In this, of course, I ask for the support of the competent government agencies, so that everything shall be settled properly and the insurance companies will not be the ones who suffer.

"But another problem immediately emerges: It may be that these insurance companies have re-insurance in foreign countries. If there are such re-insurances, I would not want to give them up, because they bring in foreign exchange. The matter must be looked into. For that reason, I have asked Mr. Hilgard from the insurance company to attend, since he is best qualified to tell us to what extent the insurance companies are covered by re-insurance against such damage. I would not want to give this up under any circumstances."

Is that correct?

GOERING: That is absolutely correct.

MR. JUSTICE JACKSON: "I do not want to leave any doubt, gentlemen, as to the purpose of today's meeting. We have not come together merely to talk again, but to make decisions; and I earnestly ask the competent departments to take trenchant measures for the Aryanizing of German economy and to submit them to me as far as is necessary."

GOERING: That is correct.

MR. JUSTICE JACKSON: I then skip a considerable portion, unless there is more that you wish to put in, and come to this statement:

"The State Trustee will estimate the value of the business and decide what amount the Jew shall receive. Naturally, this amount is to be fixed as low as possible. The State Trustee will then transfer the business to Aryan ownership. The aim is thus accomplished, inasmuch as the business is transferred to the right ownership and its goodwill and balance sheet remain unimpaired.

"Then the difficulties begin. It is easily understandable that attempts will be made on a large scale to get Party members into all these stores and thus give them some compensation. I have witnessed terrible

things in the past; little chauffeurs of Gauleiter have profited so much by these transactions that they have raked in half a million. You gentlemen know it. Is that correct?"

And they assented.

GOERING: Yes, I said that.

MR. JUSTICE JACKSON: Would you care to read anything further in connection with that?

GOERING: Perhaps only the next sentence:

"These are, of course, things which are not permissible, and I shall not hesitate to deal ruthlessly with such underhand dealings. If a prominent person is involved I shall go straight to the Fuehrer and report these dirty tricks quite impartially."

MR. JUSTICE JACKSON: That is, if any individual was tempting to profit by Jewish possessions—is that what you meant?

GOERING: By Aryanization.

MR. JUSTICE JACKSON: I will quote another portion:

"In other words, it must be an ordinary business transaction One sells his business and another buys it. If there are Party members among the would-be purchasers, they are to be given preference if they fulfill the same conditions. First of all should come those who have suffered damage. After that preference should be given on grounds of Party membership."

I will skip a line or two:

"This Party member should have a chance to buy the business for as cheap a price as possible. In such a case, the State will not receive the full price, but only the amount the Jew received."

Is that correct?

GOERING: Just a moment, please, I believe you skipped something.

MR. JUSTICE JACKSON: Yes, we did. If you want to put it in, you may read it.

GOERING: No, I want to put it quite briefly, so that it will not take too long. I said what you have already said, that all things being equal, the Party member is to be given preference, the first on the list being the member who suffered prejudice by having his business license cancelled because he was a Party member. Then follows the paragraph which you read and which is correct.

MR. JUSTICE JACKSON: Now, you then speak at considerable length of the method by which you intended to Aryanize Jewish businesses, is that right?

GOERING: Yes..

MR. JUSTICE JACKSON: And then you take up the Aryanization of Jewish factories.

GOERING: Yes.

MR. JUSTICE JACKSON: You speak of the smaller factories first.

GOERING: Yes.

MR. JUSTICE JACKSON: Have you found the place where you speak of the factories?

GOERING: Yes, I have found it.

MR. JUSTICE JACKSON: I quote.

"Now the factories. With regard to the smaller and medium sized ones, two things will have to be made clear: First, which are the factories for which I have no use, and which can be shut-down? Could they not be put to another use? If not, these factories are to be pulled down. Second, if the factory should be needed, it will be turned over to Aryans in the same manner as the stores.

That is correct, isn't it?

GOERING: Yes.

MR. JUSTICE JACKSON: Do you care to say any more on that subject?

GOERING: No, those are the basic elements for the laws.

MR. JUSTICE JACKSON: Now, I call your attention to the Second paragraph, starting, "Take now the larger factories." Do you find that?

GOERING: Yes.

MR. JUSTICE JACKSON: Dealing with the larger factories, do you not say the solution is very simple, that the factory can be compensated in the same manner as the stores, that Is, at a rate which we shall determine, and the Trustee shall take over the Jew's interest, as well as his shares, and in turn sell or transfer them to he State as he thinks fit.

GOERING: That means any one who has any interest in the factories will receive compensation, according to the scale laid down by us.

MR. JUSTICE JACKSON: And the reparation will be turned over to the State Trustee, will it not?

GOERING: Yes, to the State Trustee. The matter was simply is: The Jew relinquished his ownership and received bonds. That was to be settled by the Trustee through 3% bonds.

MR. JUSTICE JACKSON: Well, we will pass on to where you deal with the foreign Jews, do you recall that?

GOERING: Yes.

MR. JUSTICE JACKSON: At that point a representative of the Foreign Office claimed the right to participate on behalf of the Foreign Minister, is that right?

GOERING: Yes.

MR. JUSTICE JACKSON: Well, now, we will pass on to the point of the conversation between yourself and Heydrich.

GOERING: Just a moment, please. Part of the minutes are missing. All right. I have found the place where Heydrich is mentioned for the first time.

MR. JUSTICE JACKSON: You inquired how many synagogues were actually burned, and Heydrich replied, "Altogether there were 101 synagogues destroyed by fire, 76 synagogues demolished, and 7,500 stores destroyed in the Reich." Have I quoted that correctly?

GOERING: Yes.

MR. JUSTICE JACKSON: Well, then Dr. Goebbels interposed "I am of the opinion that this is our chance to dissolve the synagogues." And then you have a discussion about the dissolving of the synagogues, have you not?

GOERING: By Dr. Goebbels, yes.

MR. JUSTICE JACKSON: Then, Dr. Goebbels raised the question of Jews traveling in railway trains?

GOERING: Yes.

MR. JUSTICE JACKSON: Let me know if I quote correctly the dialogue between you and Dr. Goebbels on that subject. Dr. Goebbels said:

"Furthermore, I advocate that Jews be banned from all public places where they might cause provocation. It is still possible for a Jew to share a sleeper with a German. Therefore, the Reich Ministry of Transport must issue a decree ordering that there shall be separate compartments for Jews. If this compartment is full, then the Jews cannot claim a seat. They can only be given separate compartments after all Germans have secured seats. They must not mix with the Germans; if there is no more room, they will have to stand in the corridor."

Is that right?

GOERING: Yes, that is correct.

MR. JUSTICE JACKSON: "GOERING: I think it would be more sensible to give them separate compartments.

"Goebbels: Not if the train is overcrowded.

GOERING: Just a moment. There will be only one Jewish coach. If that is filled up the other Jews will have to stay at home.

"Goebbels: But suppose there are not many Jews going, let us say, on the long-distance express train to Munich. Suppose there are two Jews on the train, and the other compartments are overcrowded; these two Jews would then have a compartment to themselves. Therefore, the decree must state, Jews may claim a seat only after all Germans have secured a seat.

"GOERING: I would give the Jews one coach or one compartment, and should a case such as you mention arise, and the train be overcrowded, believe me, we will not need a law. He will be kicked out all right, and will have to sit alone in the toilet all the way." Is that correct?

GOERING: Yes. I was getting irritated when Goebbels came with his small details when important laws were being discussed. I refused to do anything. I issued no decrees or laws in this connection- Of course, today, it is very pleasant for the Prosecution to bring it up, but I wish to state that it was a very lively meeting at which Goebbels made demands which were quite outside the economic sphere, and I used these expressions to give vent to my feelings.

MR. JUSTICE JACKSON: Then Goebbels, who felt very strongly about these things, said that Jews should stand in the corridor, and you said that they would have to sit in the toilet. That is the way you said it?

GOERING: No, it is not. I said that they should have a special compartment; and when Goebbels still was not satisfied, and harped on it, I finally told him, "I do not need a law. He can either sit in the toilet or leave the train." These are utterances made in this connection which, however, have nothing to do with the world-wide importance of the great conflict.

MR. JUSTICE JACKSON: Let us go down to where Goebbels brings up the subject of the German forests.

GOERING: Just a moment. Yes. It starts where Goebbels asked for a decree which would prevent Jews from going to German holiday resorts. To which I replied "Give them their own." And then he suggested that it would have to be considered whether we should give them their own resorts, or place some German bathing places at their disposal, but not the best ones so that people might say: "You allow the Jews to get fit by using our bathing resorts." The question must also be considered whether it was necessary to forbid the Jews to go into the German forests. Herds of Jews are -today running around in Grunewald; that is a constant provocation -and so on. Then when he broke in again, I replied very sharply, 'It would be better to put a certain part of the forest at the disposal Of the Jews," as he wanted them out of the whole of the forests. Then I made the remark which seems to be of so much interest.

MR. JUSTICE JACKSON: Let us have that remark. Is it not correct you did state:

"We will give the Jews a certain part of the forest, and Alpers will see to it that the various animals, which are damnably like the Jews-the Elk too has a hooked nose-go into the Jewish enclosure and settle down among them."

Is that what you said?

GOERING: Yes, I said it, but it should be linked up with the whole atmosphere of the meeting. Goebbels comes back on it again in the next sentence and says he considers my attitude provoking. I too can say I was provoked by his insistence on unimportant things, when such far-reaching and decisive matters were being discussed.

MR. JUSTICE JACKSON: Now, you come to the point where you ask Mr. Hilgard from the insurance company to come in. Can you find that?

GOERING: Yes.

MR. JUSTICE JACKSON: Then you made a statement to Mr. Hilgard when he came in.

"The position is as follows: Because of the justified anger of the people against the Jews, the Reich has suffered a certain amount of damage. Windows have been broken, goods damaged and people hurt; synagogues have been burned, and so forth I suppose many of the Jews are also insured against damage committed by public disorder?

"Hilgard: Yes.

"GOERING: If that is so, the following situation arises. The people in their justified anger meant to harm the Jews, but it is the German insurance companies which have to compensate the Jews for the damage. The thing is simple enough. I have only to issue a decree to the effect that damage resulting from these riots shall not have to be paid by the insurance companies."

Is that what you said?

GOERING: Yes, I said all that.

MR. JUSTICE JACKSON: Hilgard then outlined three kinds of insurance He pointed out that at least as far as plate glass insurance was concerned, the majority of the sufferers were Aryans who owned buildings and that, as a rule, the Jews only rented them. Is that right?

GOERING: Yes, those are the details of the discussion.

MR. JUSTICE JACKSON: And Hilgard said:

"May I draw your attention to the following facts: Plate glass Is not manufactured by the Bohemian glass industry, but is entirely in the hands of the Belgian glass industry. In my estimation the damage amounts to 6 millions, that is to say, under the insurance policies, we shall have to pay the owners who for the most part are Aryans, about 6 millions compensation for the glass."

THE PRESIDENT: Mr. Justice Jackson, before you pass from that page, in the third paragraph, just for the sake of accuracy, it appears that the name "Mr. Hilgard" is wrongly placed, does it not, because he seems both to put the question and to answer it.

MR. JUSTICE JACKSON: Well, I think that is . . .

THE PRESIDENT: Probably the Defendant Goering put the question. It is the third paragraph on my page.

MR. JUSTICE JACKSON: I take the minutes to read that when Hilgard appeared, Goering addressed him as "Mr. Hilgard."

THE PRESIDENT: Yes, I see.

MR. JUSTICE JACKSON: But it is correct, as Your Honor suggests.

GOERING: I wish to point out what was said before concerning like broken glass. Goebbels said: "The Jews must pay for the damage," and I said, "It is no use, we have no raw material, it is all foreign glass. That will require foreign currency. It is like asking for the moon." Then Hilgard comes with the discussions just mentioned.

MR. JUSTICE JACKSON: Yes, and Hilgard pointed out that: Incidentally the amount of damage equals about half a year's production of the whole of the Belgian glass industry. We believe that the manufacturers will take 6 months to deliver the glass."

Do you recall that?

GOERING: Yes.

MR. JUSTICE JACKSON: Well, passing down, you come to a point at which Hilgard tells you about a store on Unter den Linden which was attacked. Can you find that?

GOERING: He said, "The biggest incident is the case of Margraf, 3 Unter den Linden." Isn't that so?

MR. JUSTICE JACKSON: That is right.

GOERING: Yes.

MR. JUSTICE JACKSON: "The damage reported to us amounts to 1.7 million because the store was completely ransacked." Is that right?

GOERING: Yes.

MR. JUSTICE JACKSON: "GOERING: Daluge and Heydrich, you just get me these jewels by large-scale raids." Is that the order you gave?

GOERING: Yes, of course, so that the stolen goods should be brought back.

MR. JUSTICE JACKSON: Brought back to you, not to the Jews.

GOERING: Not to me personally, I beg your pardon, that is quite clear.

MR. JUSTICE JACKSON: Brought back to the State-you did not intend to return them to the Jews?

GOERING: It does not say that here. The main thing is, that they should be brought back.

MR. JUSTICE JACKSON: "We are trying to get the loot back " as Heydrich put it, is that right? And you added, "And the jewels?"

GOERING: If a large jewelry shop is plundered, something must be done about it because with these valuables a great deal of trouble could be caused. Therefore, I ordered raids to be carried out to have these things, as well as other stolen goods, brought back. When a business was Aryanized, its stock was also transferred to the new owner. The main point, however, was that action should be taken against those who had stolen and plundered, and in fact 150 had already been arrested.

MR. JUSTICE JACKSON: And Heydrich went on to report on the method of these raids after you reminded him to bring back, to get the jewels.

"It is difficult to say. Some of the articles were thrown into the street and picked up. The same happened with the furriers. For example, in the Friedrichstrasse in the district of Police Station C. There the crowd naturally rushed to pick up mink and skunk furs, et cetera. It will be very difficult to recover them. Even children filled their pockets just for the fun of the thing. It is suggested that the Hitler Youth should not be employed on such actions without the Party's consent. Such things are very easily destroyed."

GOERING: Yes, so it says.

MR. JUSTICE JACKSON: And Daluge then suggests:

"The Party should issue an order to the effect that the police must immediately be notified if the neighbor's wife-everybody knows his neighbor very well-has a fur coat remodeled or somebody is seen wearing a new ring or bracelet. We should like the Party to assist in this matter."

GOERING: This is absolutely correct.

MR. JUSTICE JACKSON: Now, Hilgard objected to your plan of releasing the insurance companies from paying the claims, did he not?

GOERING: Yes, this is also correct.

MR. JUSTICE JACKSON: And he gave the reasons:

"Hilgard: If I may give the reasons for my objection, the point is that we do a large international business. Our business has a sound international basis, and in the interests of the foreign exchange position in Germany we cannot allow the confidence in the German insurance business to be shaken. If we were .. now to refuse to fulfill commitments entered into by legal contracts it would be a blot on the escutcheon of the German insurance business.

"GOERING: But it would not be if I were to issue a decree or . a law."

Am I quoting correct?

GOERING: Yes, and in Hilgard's reply-and that is the reply I wanted to come to-he pointed out that the insurance companies could not get out of paying claims unless a law provided for it. If the sovereign state passes a law to the effect that the insurance sums must be forfeited to the state, then the insurance companies are no longer under any obligation.

MR. JUSTICE JACKSON: Now, I suggest to you that that is correct, but that even though you proposed to issue a decree absolving the German insurance companies, the companies insisted on meeting their obligations; and then Heydrich interposed and said: "By all means, let them pay the claims and when payment is made it will be confiscated. Thus we will save our face." Correct?

GOERING: Heydrich said that, but I issued a law.

MR. JUSTICE JACKSON: Did you not then say:

"One moment. They will have to pay in any case because Germans suffered damage. There will, however, be a law forbidding them to make direct payments to Jews. They will also have to make payment for damage suffered by Jews, not to the Jews, but to the Minister of Finance.

"Hilgard: Aha."

GOERING: I have just said so.

MR. JUSTICE JACKSON: You accepted Heydrich's suggestion, which was quite contrary to the one you made?

GOERING: No, I did not accept Heydrich's suggestion, but I issued a law to the effect that insurance money due to Jews must be paid to the Minister of Finance, as I did not agree with Heydrich that money should be paid out and then surreptitiously confiscated. I went about it in a legal way and was not afraid to make the necessary law and to take the responsibility for the claims to be paid to the State, that is, to the Minister of Finance.

MR. JUSTICE JACKSON: Well, the Tribunal will judge for itself, we have the evidence.

Now, Hilgard, representing the insurance companies, then raised the question that the amount of glass insurance premium was very important, that glass insurance was the companies' greatest asset "but the amount of the damage now caused is twice as high as in an ordinary year," and he pointed out that the whole of the profits of the German insurance companies would be absorbed, did he not?

GOERING: Yes.

MR. JUSTICE JACKSON: And also the question of the number of the stores destroyed-Heydrich reported 7,500, is that right?

GOERING: Yes.

MR. JUSTICE JACKSON: Now, I call your attention to the following conversation.

Who, by the way, was he?

GOERING: Daluge was the leader of the Schutzpolizei.

MR. JUSTICE JACKSON: "One question has still to be discussed. Most of the goods in the stores were not the property of the shopkeepers but were on consignment from other firms which had supplied them. Now the unpaid invoices are being sent in by these firms, which are certainly not all Jewish, but Aryan, in respect to these goods on consignment.

"Hilgard: We will have to pay for them too.

"GOERING: I wish you had killed 200 Jews instead of destroying such valuables.

"Heydrich: There were 35 killed."

Do I read that correctly?

GOERING: Yes, this was said in a moment of bad temper and excitement.

MR. JUSTICE JACKSON: Spontaneously sincere, wasn't it?

GOERING: As I said, it was not meant seriously. It was the expression of spontaneous excitement caused by the events, and by the destruction of valuables, and by the difficulties which arose. Of course, if you are going to bring up every word I said in the course of 25 years in these circles, I myself could give you instances of even stronger remarks.

MR. JUSTICE JACKSON: Then Funk interposed to discuss the foreign exchange point, did he not? He contributed to the discussion, did he not, for a while? I will not bother to go into it.

GOERING: Yes, but not everything is put down in the minutes, which are not clear on this point. I regret the minutes are incomplete. That is strange.

MR. JUSTICE JACKSON: I join you in that.

Hilgard returned again to the subject of the profit of the insurance companies, did he not?

GOERING: Yes, of course.

MR. JUSTICE JACKSON: And you made this statement, did you not?

"The Jew must report the damage. He will get the insurance money, but it will be confiscated. The final result will be that the insurance companies will gain something, as not all damages will have to be made good. Hilgard, you can consider yourself damned lucky``.

"Hilgard: I have no reason for that. The fact that we shall not have to pay for all the damage is called a profit.

"GOERING: Just a moment. If you are legally bound to pay 5 millions and all of a sudden an angel, in my somewhat corpulent shape, appears before you and tells you you may keep 1 million, hang it, is this not a profit? I should like to go 50-50 with you or whatever you call it. I only have to look at you, your whole body exudes satisfaction. You are getting a big rake-off."

Am I quoting correctly?

GOERING: Yes, of course, I said all that.

THE PRESIDENT: We will break off now.

[The Tribunal recessed until 1400 hours.]

[Testimony on 3/20/1946]

Afternoon Session

DR. ALFRED SEIDL (Counsel for Defendant Hess): Mr. President the Defendant Hess has expressed the wish to be excused from attending this afternoon's session, because he wants to prepare himself for his examination as a witness, which will take place in the next few days. I do not believe that this will cause a delay in the proceedings, and I should like to ask the Tribunal to grant this request.

THE PRESIDENT: Certainly, on the same conditions as before namely, that you arrange with somebody to protect your interests while you are absent.

DR. SEIDL: I will not be absent myself, only Hess.

THE PRESIDENT: Very well.

MR. JUSTICE JACKSON: [To the witness.] I would like to call your attention again to the Exhibit USA-261, Document 1816-PS. Would you turn to Part 5, where you were speaking of Margraf's jewels that disappeared?

GOERING: That is going back to something already dealt with.

MR. JUSTICE JACKSON: Yes, for a time, to Part 5. I call your attention to your statement as follows: "Now we come to the damage sustained by the Jew, the disappearance of the jewels at Margraf's, et cetera. Well, they are gone and he will not get them refunded. He is the one who has to suffer the damage. Any of the jewels which may be returned by the police will belong to the State."

Do you find that?

GOERING: Yes, that is correct, but on the basis of the laws he -as compensated for that.

MR. JUSTICE JACKSON: Now, there was a representative of Austria present at this meeting, was there not?

GOERING: Yes.

MR. JUSTICE JACKSON: And I ask you to turn to his statement in reference to conditions in Austria, a page or so farther on.

GOERING: Yes.

MR. JUSTICE JACKSON: And I ask you whether he did not report to your meeting as follows:

"Your Excellency, in this matter, we have already a very complete plan for Austria. There are 12000 Jewish workshops and 5000 Jewish retail shops in Vienna. Even before the National Socialist revolution we already had, concerning these 17000 shops, a definite plan for dealing with all tradesmen. Of the 12000 workshops about 10000 were to be closed definitely ..."

GOERING: The interpreter did not follow . . .

MR. JUSTICE JACKSON: Do you find it?

GOERING: I have found it, but the interpreter has not.

MR. JUSTICE JACKSON: "Regarding this total of 17000 stores, of the shops of the 12000 artisans, about 10000 were to be closed definitely and 2000 were to be kept open. Four thousand of the 5000 retail stores were to be closed and 1000 kept open, that is, were to be Aryanized. According to this plan, 3000-3500 of the total of 17000 stores would be kept open, all others closed. This was decided following investigations in every single branch and according to local needs, in agreement with all competent

authorities, and is ready for publication as soon as we shall receive the law which we requested in September. This law shall empower us to withdraw licenses from artisans quite independently of the Jewish question. That would be quite a short law.

"GOERING: I shall have this decree issued today."

GOERING: Of course. This concerns a law for the curtailment of the heavy retail trade which, even apart from the Jewish question, would have reduced the number of retailers. That can be seen from the minutes.

MR. JUSTICE JACKSON: Very well, let us go on a little further. Do you mean to inform the Tribunal that this did not apply to Jewish shops; that it had no connection with the Jewish question?

GOERING: I have said that independently of the Jewish question, in view of the overfilled retail trade, a limitation of the number of tradesmen would have followed, and that it can be seen from the following statement by Mr. Fischbock, which you have read, that I asked for a law which would authorize us to withdraw licenses, without any connection with the Jewish question. That would be a brief law. Whereupon I answered, "I will issue the decree today."

MR. JUSTICE JACKSON: Now, if you will . . .

GOERING: Naturally, above all, Jewish stores were to be eliminated, as I said in the beginning.

MR. JUSTICE JACKSON: Please go on down two paragraphs to where this was reported:

"But I do not believe that there will be 100 stores, probably fewer- and thus, by the end of the year, we would have liquidated all the recognized Jewish-owned businesses.

"GOERING: That would be excellent.

"Fischbock: . . . "

GOERING: Yes, yes, that was the import of that meeting.

MR. JUSTICE JACKSON: "Fischbock: Out of 17000 stores 12000-14000 would be shut down and the remainder Aryanized or handed over to the Trustee's office, which belongs to the State.

"GOERING: I have to say that this proposal is grand. This way the whole affair in Vienna, one of the Jewish capitals so to speak, would be wound up by Christmas or by the end of the year.

"Funk: We can do the same thing here. I have prepared a law elaborating that. Effective 1/1/1939, Jews shall be prohibited from operating retail stores and wholesale establishments, as well as independent workshops. They shall be further prohibited from keeping employees, or offering any ready-made products on the market; from advertising or receiving orders. Whenever a Jewish shop is operated the police shall shut it down.

"From 1/1/1939 a Jew can no longer be head of an enterprise, as stipulated in the law for the organization of national labor of 1/20/1934. If a Jew has a leading position in an establishment without being the head of the enterprise, his contract may be declared void within 6 weeks by the head of the

enterprise. With the expiration of this period all claims of the employee, including all claims to maintenance, become invalid. That is always very disagreeable and a great danger. A Jew cannot be a member of a corporation. Jewish members of corporations will have to be retired by 12/31/1938. A special authorization is unnecessary. The competent ministers of the Reich are being authorized to issue the provision necessary for execution of this law..

"GOERING: I believe we can agree with this law."

GOERING: Yes.

MR. JUSTICE JACKSON: Now I ask you to pass a considerable dialogue relating to the Vienna situation; and I call your attention to the point at which Funk inquires of you:

"Why should the Jew not be allowed to keep bonds?

"GOERING: Because in that way he would actually be given a share."

GOERING: Yes, that was the purpose, to get him out of the enterprise. If he kept the bonds, on the basis of his rights as stockholder he still had an interest in the enterprise, and on the basis of ownership of stocks his will would still carry weight in the enterprise.

MR. JUSTICE JACKSON: You turned Funk's suggestion down that the Jews be allowed to keep bonds?

GOERING: Yes. I replaced the bonds with securities.

MR. JUSTICE JACKSON: Well, we will pass several more pages of debate, unless there is something you want to call attention to; and I come to the point where Heydrich is stating his position. I call your attention to this dialogue:

"Heydrich: At least 45000 Jews were made to leave the country by legal measures.

"GOERING: . . ." GOERING: One moment, please. I find it now.

MR.JUSTICE JACKSON: "At least 45000 Jews were made to leave the country by legal measures.

"GOERING: How was this possible?"

And then Heydrich tells you that: ". . .through the Jewish -societies we extracted a certain amount of money from the rich Jews who wanted to emigrate. By paying this amount and an additional sum in foreign currency they made it possible for a number of poor Jews to leave. The problem was not to make the rich Jews leave but to get rid of the Jewish mob."

Is that correct?

GOERING: One moment. I do not find it here yet, but generally that is correct, yes.

MR.JUSTICE JACKSON: Pass on a little further. Heydrich is making suggestions and says:

"As for the isolating, I would like to make a few proposals regarding police measures, which are important also because of their psychological effect on public opinion.

"For example, anybody who is Jewish according to the Nuremberg Laws will have to wear a certain badge. That is a possibility which will facilitate many other things. I see no danger of excesses, and it will make our relationship with the foreign Jews easier.

"GOERING: A uniform?

"Heydrich: A badge. In this way we could put an end to foreign Jews being molested who do not look different from ours.

"GOERING: But my dear Heydrich, you will not be able to avoid the creation of ghettos on a very large scale in all the cities.

They will have to be created."

Is that what you said?

GOERING: I said that. At that time the problem was also to get the Jews together in certain parts of the cities and in certain streets because on the basis of the tenancy regulations there was no other possibility, and if the wearing of badges was to be made obligatory each individual Jew could have been protected.

MR. JUSTICE JACKSON: Now, passing further in the discussion I call your attention to this warning from Heydrich about those measures which have been discussed:

"GOERING: Once we have a ghetto, we could determine what stores ought to be there and we would be able to say, 'You, Jew so and so, together with so and so, shall take care of the delivery of goods,' then a German wholesale firm will be ordered to deliver the goods for this Jewish store. The store would then not be a retail shop but a co-operative store, a co-operative society for Jews.

"Heydrich: All these measures will eventually lead to the institution of a ghetto. I must say: nowadays one should not want to set up a ghetto, but these measures, if carried through as outlined here, will automatically drive the Jews into a ghetto."

Did Heydrich give that warning?

GOERING: Here it says so, yes, but it can be seen from the following discussion that I said: "Now comes that which Goebbels mentioned before, compulsory renting. Now the Jewish tenants will come together." It was a question of the Jewish tenants drawing together in order to avoid the disagreeable results which arose from reciprocal subletting.

MR. JUSTICE JACKSON: You have omitted that Funk also remarked at this point that "Jews will have to stand together. What are million? Every one will have to stand up for the next fellow. Alone he will starve."

Do you find that?

GOERING: Yes. But in another part of these minutes it is stated very clearly: "One cannot let the Jews starve, and therefore the necessary measures must be taken."

MR. JUSTICE JACKSON: Toward the close of that meeting you said the following, didn't you?

"I demand that German Jewry as a whole shall, as a punishment for the abominable crimes, et cetera, make a contribution of RM1 billion. That will work. The pigs will not commit a second murder so quickly. Incidentally, I would like to say again that I would not like to be a Jew in Germany."

GOERING: That was correct, yes.

MR. JUSTICE JACKSON: Were you joking about that too?

GOERING: I have told you exactly what led to the fine of RM1 billion.

MR. JUSTICE JACKSON: You pointed out that the chauffeurs of Gauleiter must be prevented from enriching themselves through the Aryanization of Jewish property, right?

GOERING: Yes.

MR. JUSTICE JACKSON: We will now take up the subject of art.

I call your attention to Document 141-PS, Exhibit Number USA-308. That is the decree establishing priorities on the claim for Jewish art property. Do you recall that?

GOERING: That has been mentioned several times, and I have recently spoken about it in detail.

MR. JUSTICE JACKSON: The order was issued as here stated was it not?

GOERING: Yes, certainly; I emphasized that.

MR. JUSTICE JACKSON: In Paragraph 5 reference is made to art objects that are suitable to be given to French museums,

and which were to be sold by auction. The profit from this auction was to be given to the French State for the benefit of war widows and children. You say that this was never done?

GOERING: I did not say that this never happened. That was my for intention in that decree.

MR. JUSTICE JACKSON: Well, I am asking you if it ever has been done.

GOERING: As far as Paragraph 5 is concerned, I cannot say. I can only refer to the payments mentioned in Paragraph 2- the things that I pointed out-which I had effected after an estimate, and I said the other day that this amount was kept in readiness and that I repeatedly asked into which account it should be paid. And among the object destined to go into the collection which I was to make, I had every single item valued.

MR. JUSTICE JACKSON: Where was this amount kept?

GOERING: In my bank, under the name "Art Funds."

MR. JUSTICE JACKSON: In what bank?

GOERING: It was-I cannot say for sure, there were several banks-in which bank exactly the art fund was deposited, I cannot say I would have to have the documents here for that.

MR. JUSTICE JACKSON: In the several interrogations you have never been able to point out where that fund is, have you?

GOERING: I cannot say, but you would only have to question my secretary who kept account of all the funds; she can tell You quite accurately.

MR. JUSTICE JACKSON: This order, 141-PS, was carried out by the Rosenberg Special Staff (Einsatzstab), wasn't it?

GOERING: Yes.

MR. JUSTICE JACKSON: Did you know who carried it out who actually was there? Did you know Turner?

GOERING: I did not understand the name.

MR. JUSTICE JACKSON: Did you know Mr. Turner?

GOERING: I know a certain Turner, who, however, had nothing to do with the Einsatzstab, the Rosenberg Special Staff and who as far as I know, was in Yugoslavia.

MR. JUSTICE JACKSON: Wasn't State Counsellor Turner in Paris in connection with the art collections?

GOERING: I repeat again so that no error is possible, you said Turner, T-u-r-n-e-r, or Korner, K-o-r-n-e-r?

MR. JUSTICE JACKSON: Turner.

GOERING: Korner?

MR. JUSTICE JACKSON: T-u-r-n-e-r.

GOERING: Turner-I do not know whether he had anything to do with Rosenberg's Einsatzstab.

MR. JUSTICE JACKSON: But you knew him, did you not?

GOERING: Yes.

MR. JUSTICE JACKSON: And did you know a Dr. Bunjes?

GOERING: Bunjes, B-u-n-j-e-s, yes.

MR. JUSTICE JACKSON: You knew him?

GOERING: Yes.

MR. JUSTICE JACKSON: He had to do with captured or confiscated Jewish art treasures, did he not?

GOERING: I do not believe that Dr. Bunjes had anything to do with that. He was competent in a different field of art- but the Einsatzstab Rosenberg and certain departments of the military administration, had something to do with it.

MR. JUSTICE JACKSON: I will ask to have you shown, so that you can follow me, to refresh your memory, Document 2523-PS, Exhibit Number USA-783, a letter from Dr. Bunies, and ask you if this refreshes your recollection of certain events.

"On Tuesday, 2/4/1941, at 1830 hours I was ordered for the first time to report to the Reich Marshal at the Quai d'Orsay. Field Commander Von Behr of the Einsatzstab Rosenberg was present. It is, of course, difficult to describe in words the cordial atmosphere in which the conversation was held."

Do you recall such a meeting?

GOERING: No, it was not important enough for me to remember it, but I do not deny it, in any case.

MR. JUSTICE JACKSON: We shall see if this refreshes your recollection:

"The Reich Marshal dropped the subject for the time being and asked for the report of the present state of the seizure of Jewish art property in the occupied western territories. On this occasion he gave Herr Von Behr the photographs of those objects of art that the Fuehrer wants to bring into his possession. In addition, he gave Herr Von Behr the photographs of those objects of art that the Reich Marshal wants to acquire for himself."

GOERING: I cannot follow here.

MR. JUSTICE JACKSON: You mean you do not find these words, or you do not recall the events?

GOERING: No, I have not found the passage yet, and I would like to have a little time to see the context of this letter, which was neither written by me nor addressed to me.

MR. JUSTICE JACKSON: Let me call your attention to a further paragraph of it and see if it does not refresh your recollection:

"On Wednesday, 2/5/1941, I was ordered to the Jeu de Paume by the Reich Marshal. At 1500 o'clock, the Reich Marshal, accompanied by General Hanesse, Herr Angerer, and Herr Hofer, visited the exhibition of Jewish art treasures newly set up there."

GOERING: Yes, I have already stated before that at Jeu de Paume I selected the art treasures which were exhibited there. That is right.

MR. JUSTICE JACKSON: That is right; now we are getting there. "Then, with me as his guide, the Reich Marshal inspected the exhibited art treasures and made a selection of those works of art which were to go to the Fuehrer, and those which were to be placed in his own collection.

"During this confidential conversation, I again called the Reich Marshal's attention to the fact that a note of protest had been received from the French Government against the activity of the Einsatzstab Rosenberg, with reference to the Hague Rules on Land Warfare recognized by Germany at the Armistice of Compiegne and I pointed out that General Von Stulpnagel's interpretation of the manner in which the confiscated Jewish art treasures are to be treated, was apparently contrary to the Reich Marshal's interpretation. Thereupon the Reich Marshal asked for a detailed explanation and gave the following orders:

"First, it is my orders that you have to follow. You will act directly according to my orders. The art objects collected in the Jeu de Paume are to be loaded on a special train immediately and taken to Germany by order of the Reich Marshal. These art objects which are to go into the Fuehrer's possession and those art objects which the Reich Marshal claims for himself, will be loaded on two railroad cars which will be attached to the Reich Marshal's special train, and upon his departure for Germany, at the beginning of next week, will be taken along to Berlin. Feldfuehrer Von Behr will accompany the Reich Marshal in his special train on the journey to Berlin.'

"When I made the objection that the jurists would probably be of a different opinion and that protests would most likely be made by the military commander in France, the Reich Marshal answered, saying verbatim as follows, 'Dear Bunjes let me worry about that; I am the highest jurist in the State.'

"The Reich Marshal promised to send from his headquarters by courier to the Chief of the Military Administrative District of Paris on Thursday, 6 February, the written order for the transfer to Germany of the confiscated Jewish art treasures."

Now, does that refresh your memory?

GOERING: Not in the least, but it is not at all in contradiction to what I have said with respect to the art treasures, with the exception of one sentence. It is pure nonsense that I should have said that I was the highest jurist in the state because that, thank God, I was not. That is something which Mr. Bunjes said, and I cannot be held responsible for every statement which anyone may have made to somebody else without my having any possibility of correcting it. As for the rest, it corresponds to the statement I made recently.

MR. JUSTICE JACKSON: Now, the art objects then were loaded on cars and shipped to Berlin, were they not?

GOERING: A part of them, yes.

MR. JUSTICE JACKSON: I now call your attention to, and ask to have you shown, Document 014-PS, Exhibit Number USA-784ow, I ask you to refresh your recollection by following this report to the Fuehrer with me, and tell me if this conforms with your testimony:

"I report the arrival..."

GOERING: I would like to point out that this report did not come from me.

MR. JUSTICE JACKSON: I understand that. I am asking if it is right or wrong.

"I report the arrival of the principal shipment of ownerless Jewish treasures of art at the salvage point Neuschwanstein by special train on Saturday the 15th of this month. It was secured by my Einsatzstab, in Paris. The special train, arranged for by Reich Marshal Hermann Goering, comprised 25 express baggage cars filled with the most valuable paintings, furniture, Gobelin tapestries works of artistic craftsmanship, and ornaments. The shipment consisted mainly of the most important parts of the collections of Rothschild, Seligmann"-and half a dozen others.

Have you found that and is it correct?

GOERING: I do not know whether this is correct, since the report did not come from me. The only thing which I can remember is that I was asked by the Einsatzstab to see to it that a sufficient number of special cars, box cars was put at their disposal to ship the art treasures, since Jeu de Paume was not a safe place in case of air attacks. Neuschwanstein lies south of Munich. This concerns the objects destined for the Fuehrer.

I should like, however, to refer to the next sentence of this document, which was not written by me. It goes as follows:

"The confiscation actions of my Einsatzstab were begun in 10/1940 in Paris according to your order, my Fuehrer."

That coincides with what I have said in my previous statements.

MR. JUSTICE JACKSON: And would you care to read further?

GOERING: You mean where it says:

"Besides this special train, the main art objects selected by the Reich Marshal-mainly from the Rothschild collection- had previously been shipped in two special cars to Munich and were there put into the air raid shelter of the Fuehrerhaus."

They are those most precious works of art which I had designated for the Fuehrer, and which were to be sent, at the wish of the Fuehrer, to the air raid shelter. This had nothing to do directly with my affairs, but I did not dispute the fact, and I have explained it in detail.

MR. JUSTICE JACKSON: When you were examined by the American Foreign Assets Commission, you estimated your art object as having a value, at the time you turned them over to the government, of 50 million Reichsmark, as I recall it. Am I right?

GOERING: That is not quite correct. The Commission insisted a valuation, and the discussion continued a long time backwards and forward. I expressly told the Commission that I could not assess the value because I did not have the objects in hand nor a list of them and I could not quote them from memory; furthermore, that the estimates were subject to fluctuation depending on the one hand upon the prices art lovers might pay and, on the other, upon the actual market value. Since I did not see a copy of the minutes, in spite of my pleas, and especially as minutes of this nature often give rise to misunderstandings, I can only acknowledge the records which ave signed.

MR. JUSTICE JACKSON: Well, do you question this fact? "When I gave the news to the Minister of Finance I estimated the value at that time at 50 million marks." Did you say that or did you not?

GOERING: I cannot estimate the value. I only told the Finance Minister that the entire collection, including my own, would be turned over to the State. And since I know my passion for collecting, I thought that it was quite possible that something might suddenly happen to me, and that as I had put my entire fortune into these works of art, the entire collection might possibly become State, that is,

public property, and my family would thus be deprived of every means of subsistence. I therefore asked him to provide for a pension or some compensation for my family. That was the negotiation with the Finance Minister, to which he can testify.

MR. JUSTICE JACKSON: What proportion of your art collection was acquired after 1933?

GOERING: I did not understand the question.

MR. JUSTICE JACKSON: What proportion of your art collection was acquired after 1933?

GOERING: That I could not say in detail- quite a number of pictures and statues.

MR. JUSTICE JACKSON: Now, you have claimed that some part of your art collection you bought?

GOERING: Certainly.

MR. JUSTICE JACKSON: And in connection with that some inquiry was made into your financial transactions, was there not?

GOERING: I do not know who made the inquiries.

MR. JUSTICE JACKSON: Well, you were asked, were you not, your receipt of RM7.276 million from the Reemtsma cigarette factory?

GOERING: No, I was never asked about that.

MR. JUSTICE JACKSON: You were never asked about it?

GOERING: No, neither about the amount nor about the cigarette factory, nor anything else.

MR. JUSTICE JACKSON: Let me refresh your recollection about that. Did you not tell them and did you not tell Colonel Amen in interrogations that this money was given to you by this cigarette factory and that their back taxes were canceled?

GOERING: No, I even denied that their back taxes were ever canceled. I remember now that the question was put to me in a different connection. A sum of money was set aside for the so-called Hitler Fund, and this amount the Fuehrer put at my disposal for general cultural tasks.

MR. JUSTICE JACKSON: By the cigarette factory?

GOERING: Not by the cigarette factory; a number of business then subscribed to the Adolf Hitler Fund, and Mr. Reemtsma gave me this sum from the fund in the course of the years, after agreement with the Fuehrer. A part of it was allotted to the State theaters, other part for building up art collections, and other cultural expenditure.

MR. JUSTICE JACKSON: Now, you were interrogated on the 12/2/1945 by the External Assets Branch of the United States Investigation of Cartels and External Assets, were you not?

GOERING: May I first say explicitly that I had been asked whether I would be ready to make any statements about it, and was told that these statements would in no way be connected with this Trial. Therefore the presence of my defense counsel would not be necessary This was expressly told me, and

was repeated to me by the prison authorities, and before the interrogation it was again confirmed to me that these statements should in no way be brought in in connection with this Trial. However, that is all the same to me. You may produce them as far as I am concerned. But because of the method employed, I desire to have this made known here.

DR. STAHLER: I protest against the use of the statements for the reason that has just been given by the witness. I myself sometime ago—I think it was around Christmas—was asked by, I believe, members of the United States Treasury whether they could interrogate the Defendant Goering on questions of property, adding expressly that I did not have to be present at the interrogation because this had nothing to do with the Trial, and would not be used for it.

MR. JUSTICE JACKSON: I am not able either to affirm or deny and therefore I will not pursue this subject further at this time. I do not believe that any stipulation was made that these facts should not be gone into. I was not informed of it, and if there has been of course, it would be absurd.

[Turning to the witness.] Now, you were asked about receiving some art objects from Monte Cassino.

GOERING: Yes.

MR. JUSTICE JACKSON: I ask you if it is not the fact that an altar statue taken from the Cassino Abbey was brought and delivered to you, and that you expressed great appreciation for it.

GOERING: I am glad to be able to clarify this also. After the monastery of Monte Cassino had been completely destroyed by shelling and had been defended by a paratroop division, a delegation arrived one day bringing along a statue of some saint, entirely worthless from an artistic point of view, as a souvenir of this destroyed monastery. I thanked the men and showed the statue to the curator of my art collection, and he also considered the statue as of absolutely no value. It then remained in the box and was put away somewhere. The other...

THE PRESIDENT: I do not think this is coming through sufficiently loud for the shorthand writers to hear.

GOERING: The rest of the art treasures from Monte Cassino according to my knowledge, were shipped in the following manner: A large part, especially those objects which belonged to the old monastery itself, was sent to the Vatican. I must assume this from the fact that the abbot of the monastery sent me and my division a letter written in Latin in which he expressed his extreme gratitude for this action.

Secondly, as far as I remember, the art treasures from the museum in Naples, which were at Monte Cassino, were for the greater part sent by us to Venice and there turned over to the Italian Government. Some pictures and statues were brought to Berlin, and there they were turned over to me. On the very same day I gave the list to the Fuehrer, and some time later also the objects themselves which were in my air raid shelter, so that he could negotiate about the matter with Mussolini. I did not keep a single one of these objects for my own collection. If my troops had not intervened, these priceless art treasures, which were stored in Monte Cassino and belonged to the monastery there, would have been entirely

destroyed by enemy bombardment, that is to say, by the British-American attackers. Thus they have been saved.

MR. JUSTICE JACKSON: Now, you say of no value-no substantial value?

GOERING: That is even now my conviction, and I depended, above all, on the judgment of my experts. I never took this statue out of its packing case. It did not interest me. On the other hand, I wanted to say a few words of thanks to the men who brought it.

MR. JUSTICE JACKSON: The labor shortage in the Reich was becoming acute by 11/1941, was it not?

GOERING: That is correct.

MR. JUSTICE JACKSON: And you yourself gave the directives for the employment of Russian prisoners of war, did you not?

GOERING: Employment for what?

MR. JUSTICE JACKSON: For war industry- tanks, artillery pieces, airplane parts.

GOERING: That is correct.

MR. JUSTICE JACKSON: That was at the conference of the 11/7/1941, that you gave that order, was it not?

GOERING: At what conference that was I could not tell you; I issued these directives only in a general way.

MR. JUSTICE JACKSON: And the directive was that Russian prisoners of war should be selected in collecting camps beyond the Reich border, and should be transported as rapidly as possible and employed in the following order of priority: mining, railroad maintenance, war industry-tanks, artillery pieces, airplane parts, agriculture, building industry, et cetera. You gave that order, did you not?

GOERING: If I have signed it, the order is from me. I do not remember details.

THE PRESIDENT: What was the number of that, Mr. Jackson?

MR. JUSTICE JACKSON: I ask to have you shown Document Number 1193-PS.

GOERING: I have not seen it yet.

[Document 1193-PS was submitted to the witness.]

This document, which you have just mentioned . . .

MR. JUSTICE JACKSON: I did not get the answer. GOERING: Excuse me. I have just received a document about the use of Russian troops. Is that the document of which you speak?

MR. JUSTICE JACKSON: That is right. I call your attention to the fact that it is referred to as an annex in the letter signed by Goering.

GOERING: I want to point out that this document is not signed by me, but by Korner, which, however, does not diminish my responsibility.

MR. JUSTICE JACKSON: Well, you do not question that on the 11/7/1941, you gave the order, as Korner reports it to you, in the document referred to as 1193-PS?

GOERING: I said only that it was not signed by me but by Korner and here even a still younger official, a Regierungsrat, and I wanted only to explain that this was my field and that therefore I assume responsibility. But I have not read it through yet. This deals with directives and outlines which I gave in general and which were then filled in and revised by the department concerned, whereby naturally not every word or every sentence written here was said or dictated by myself. But that does not alter the fact that I bear the responsibility for it, even if I did not know it in detail, or would have perhaps formulated it differently. But the general directives were given by me and implemented accordingly by the lesser authorities.

MR. JUSTICE JACKSON: You also gave the order, did you not, that 100000 men were to be taken from among the French prisoners of war not yet employed in armament industry? Gaps in manpower resulting therefrom will be filled by Soviet prisoners of war. The transfer of the above-named French prisoners of war is to be accomplished by October the 1st. You gave the order, did you not?

GOERING: That is correct. Here we deal primarily with the fact that a large part of French skilled workers who were prisoners of war were turned into free workers on condition that they worked in the German armament industry. The shortages which occurred at their previous places of work at that time, where they had worked as prisoners of war, were to be remedied by Russian prisoners of war, because I considered it pointless that qualified skilled industrial workers should be employed in agriculture, for instance, or in an other field not corresponding to their abilities. Thus there was an incentive in the fact that these people could become free workers instead of remaining prisoners of war, if they would agree to these conditions. The directives were given by me.

MR. DAVID MAXWELL-FYFE (British prosecutor): I want to ask you first some questions about the matter of the British Air Force officers who escaped from Stalag Luft III. Do you remember that you said in giving your evidence that you knew this incident very completely and very minutely? Do you remember saying that?

GOERING: No—that I had received accurate knowledge; not that I had accurate knowledge—but that I received it.

SIR DAVID MAXWELL-FYFE: Let me quote your own words, as they were taken down, "I know this incident very completely, very minutely, but it came to my attention, unfortunately, at a later period of time." That is what you said the other day, is that right?

GOERING: Yes, that is what I meant; that I know about the incident exactly, but only heard of it 2 days later.

SIR DAVID MAXWELL-FYFE: You told the Tribunal that you were on leave at this time, in the last period of 3/1944, is that right?

GOERING: Yes, as far as I remember I was on leave in March Until a few days before Easter.

SIR DAVID MAXWELL-FYFE: And you said, "As I can prove." I want you to tell the Tribunal the dates of your leave.

GOERING: I say again, that this refers to the whole of March-I remember it well-and for proof I would like to mention the people who were with me on this leave.

SIR DAVID MAXWELL-FYFE: What I want to know is, when you were on leave.

GOERING: Here, in the vicinity of Nuremberg.

SIR DAVID MAXWELL-FYFE: So you were within easy reach of the telephone from the Air Ministry or, indeed, from Breslau if you were wanted?

GOERING: I would have been easily accessible by phone if someone wanted to communicate with me.

SIR DAVID MAXWELL-FYFE: I want you to help me with regard to one or two other dates of which you have spoken. You say: "I heard 1 or 2 days later about this escape." Do you understand, Witness, that it is about the escape I am asking you, not about the shooting, for the moment; I want to make it quite clear.

GOERING: It is clear to me.

SIR DAVID MAXWELL-FYFE: Did you mean by that, that you heard about the actual escape 1 or 2 days after it happened?

GOERING: Yes.

SIR DAVID MAXWELL-FYFE: Did you hear about it from the office of your adjutant or from your director of operations?

GOERING: I always heard these things through my adjutant. Several other escapes had preceded this one.

SIR DAVID MAXWELL-FYFE: Yes, that's right. There had been a number of escapes from this camp.

GOERING: I cannot tell you exactly whether they were from this camp. Shortly before several big escapes had taken place which I always heard of through the office of my adjutant.

SIR DAVID MAXWELL-FYFE: I want you to tell the Tribunal another date: You say that on your return from leave your chief of staff made a communication to you. Who was your chief of staff?

GOERING: General Korten was chief of staff at that time.

SIR DAVID MAXWELL-FYFE: Can you tell us the date at which he made this communication to you?

GOERING: No, I cannot tell you that exactly. I believe I discussed his incident with my chief of staff later, telling him what I had already heard about it from other sources.

SIR DAVID MAXWELL-FYFE: Who was the first to tell you about it?

Was it your chief of staff who told you about the shootings? Do you mean that some one else had told you about shooting?

GOERING: I cannot say exactly now whether I heard about the shooting from the chief of staff, or from other sources. But in any event I discussed this with the chief of staff.

SIR DAVID MAXWELL-FYFE: What was the date that you talked about it with your chief of staff?

GOERING: I cannot tell you the date exactly from memory, but it must have been around Easter.

SIR DAVID MAXWELL-FYFE: That would be just about the end of March, wouldn't it?

GOERING: No. It might have been at the beginning of April, the first half of April.

SIR DAVID MAXWELL-FYFE: And then you had an interview with Himmler, you have told us?

GOERING: Yes, I talked with Himmler about this.

SIR DAVID MAXWELL-FYFE: Can you fix that?

GOERING: Of course I cannot establish this date with certainty. I saw Himmler, and, at the first opportunity after I had heard about this incident, spoke to him about it.

SIR DAVID MAXWELL-FYFE: So that you can't fix the date in relation to your coming back from leave, or the interview with your chief of staff, or any other date, or Easter?

GOERING: Without any documents it is, as I said, impossible for me today to fix the date. I can only mention the approximate period of time; and that I have done.

SIR DAVID MAXWELL-FYFE: You said the other day that you could prove when you were on leave. Am I to take it that you haven't taken the trouble to look up what your leave dates were?

GOERING: I have already said the 28th or the 29th of March. I cannot tell you. For proof Ofhthaper Yhaps can fix this date more definitely. I know only that I was there in March.

SIR DAVID MAXWELL-FYFE: Witness, will it be perfectly fair to you if I take the latest of your dates, the 29th of March, to work on?

GOERING: It would be more expedient if you would tell me when Easter was that year, because I do not recall it. Then it will be easier for me to specify the dates, because I know that a few days before Easter I returned to Berchtesgaden in order to pass these holidays with my family.

SIR DAVID MAXWELL-FYFE: A few days before Easter you went back to Berchtesgaden?

GOERING: Yes.

SIR DAVID MAXWELL-FYFE: So you had come back on leave some day before that. Before you went to Berchtesgaden you had come back from your March leave?

GOERING: Berchtesgaden was then at the same time the headquarters of the Fuehrer. I returned from my leave to Berchtesgaden and with my return my leave ended, because I returned to duty. The return to Berchtesgaden was identical with the termination of my leave.

SIR DAVID MAXWELL-FYFE: Well, I can't give you Easter offhand, but I happen to remember Whitsuntide was the 28th of May, so that Easter would be early, somewhere about the 5th of April. So that your leave would finish somewhere about the end of March, maybe the 26th or the 29th; that is right, isn't it?

Now, these shootings of these officers went on from the 25th of March to the 13th of April; do you know that?

GOERING: I do not know that exactly.

SIR DAVID MAXWELL-FYFE: You may take that from me because there is an official report of the shooting, and I want to be quite fair with you. Only 49 of these officers were shot on the 6th of April, as far as we can be sure, and one was shot either on the 13th of April or later. But the critical period is the end of March, and we may take it that you were back from leave by about the 29th of March.

I just want you to tell the Tribunal this was a matter of great importance, wasn't it? Considered a matter of great importance?

GOERING: It was a very important matter.

SIR DAVID MAXWELL-FYFE: General Milch-I beg pardon- Field Marshal Milch has said that it was a matter which would require the highest authority, and I think you have said that you know it was Hitler's decision that these officers should be shot Is that so?

GOERING: The question did not come through clearly.

SIR DAVID MAXWELL-FYFE: It was Hitler's decision that these officers should be shot?

GOERING: That is correct; and I was later notified that it was Hitler's decree.

SIR DAVID MAXWELL-FYFE: I want you just to remember one other thing, that immediately it was published, the British Foreign Secretary, Mr. Eden, at once said that Great Britain would demand justice of the perpetrators of these murders- do you remember that?

GOERING: I cannot remember the speech to the House of Commons given by Eden. I myself do not know the substance of this speech even today. I just heard that he spoke in Parliament about this incident.

SIR DAVID MAXWELL-FYFE: I want you to tell the Tribunal just who the persons in your ministry involved were. I will tell you; I think it would be shorter in the end. If you disagree you can correct me.

The commandant of Stalag Luft III was Oberst Von Lindeiner of your service, was he not?

GOERING: That is quite possible. I did not know the names of all these commandants. There was a court martial against him and that was because the escape was possible. He was not connected with the shootings.

SIR DAVID MAXWELL-FYFE: No, but he was commandant of the camp, and I suppose you had to review and confirm the proceedings of the Zentralluftwaffengericht which convicted him and sentenced him to a year's imprisonment for neglect of duty. That would come to you, wouldn't it? Wouldn't that come to you for review?

GOERING: No, only if larger penalties were involved. One year imprisonment would not come to my attention. But I know, and I would like to certify, that court proceedings were taken against him for neglect of duty at the time of the escape.

SIR DAVID MAXWELL-FYFE: In 5/1943, Inspectorate Number 17 had been interposed between the Luftwaffe and the Prisoners of War Organization of the OKW, the Kriegsgefangenenwesen; do you remember that?

GOERING: I do not know the details about inspection nor how closely it concerned the Prisoners of War Organization of the OKW, or how it was otherwise.

SIR DAVID MAXWELL-FYFE: I want to remind you of who your own officers were. You understand, Witness, that your own officers are involved in this matter. I want to remind you who they were.

Was the head of Inspectorate 17 Major General Grosch of the Luftwaffe?

GOERING: Major General Grosch is of the Luftwaffe.

SIR DAVID MAXWELL-FYFE: You told the Tribunal the other day—I am quoting your own words—that you knew from information, you knew this incident very completely and very minutely. You are now telling the Tribunal you don't know whether Major General Grosch was head of Inspectorate Number 17 of the Luftwaffe.

GOERING: That is irrelevant. I told the High Tribunal that I heard an accurate account of the incident of the shooting of these airmen, but that has no connection with General Grosch and his inspectorate, for he did not participate in the shooting.

SIR DAVID MAXWELL-FYFE: I will show you that connection in one minute if you will just answer my questions. Was Grosch's second in command Oberst Welder; do you remember that?

GOERING: I do not know the particulars of the organization for inspection of prisoner-of-war camps, nor the leaders, nor what positions they held. At least not by heart. I would like to emphasize again, so that there will be no confusion, that when I said I knew about this matter, I mean that I knew how the order was issued and that the people were shot, that I came to know all about this but not as far as this was related to inspections, possibilities of flight, et cetera.

SIR DAVID MAXWELL-FYFE: And did General Grosch, as head of Inspectorate 17, have to report to General Forster, your director of operations at the Luftwaffe Ministerium?

GOERING: That I cannot tell you without having the diagram of the subordinate posts before me. General Forster was, I believe at that time, head of the Luftwehr, or a similar designation, in the ministry. I concerned myself less with these matters, because they were not directly of a tactical, strategic, or of an armament nature. But it is quite possible and certain that he belonged to this department.

SIR DAVID MAXWELL-FYFE: I put it to you quite shortly, and if you don't know I will leave it for the moment. Did you know Major General Von Graevenitz was head of the Defendant Keitel's department, the Kriegsgefangenenwesen, that dealt with prisoners of war?

GOERING: I first heard about General Graevenitz here for this department did not directly concern me. I could not know all of these military subordinate commanders in their hundreds and thousands of departments.

SIR DAVID MAXWELL-FYFE: So I take it that you did not know Colonel, now General Westhoff, of the department under Von Graevenitz?

GOERING: Westhoff I never saw at all, and he did not belong to the Luftwaffe.

SIR DAVID MAXWELL-FYFE: I am not suggesting that Von Graevenitz and Westhoff belonged to the Luftwaffe. I wanted to make it clear that I was suggesting they belonged to General Keitel's organization.

GOERING: I did not know either; and I did not know what posts they occupied.

SIR DAVID MAXWELL-FYFE: Up to that time you still had a considerable influence in the Reich, didn't you?

GOERING: At this time no longer. This no longer concerns 1944.

SIR DAVID MAXWELL-FYFE: But you were still head of the Luftwaffe and head of the Air Ministry, weren't you?

GOERING: Yes, I was.

SIR DAVID MAXWELL-FYFE: And you had, as head of the Luftwaffe and head of the Air Ministry, been responsible for six prisoner-of-war camps for the whole of the war up to that time, hadn't you?

GOERING: How many prisoner-of-war camps I do not know. But of course I bear the responsibility for those which belonged to my ministry.

SIR DAVID MAXWELL-FYFE: To the Air Force?

GOERING: Yes, those which were subordinate to the Air Force.

SIR DAVID MAXWELL-FYFE: You knew about the general plan for treatment of prisoners of war, which we have had in evidence as the "Aktion Kugel" plan, didn't you?

GOERING: No. I knew nothing of this action. I was not advised of it.

SIR DAVID MAXWELL-FYFE: You were never advised of Aktion Kugel?

GOERING: I first heard of Aktion Kugel here; saw the document and heard the expression for the first time. Moreover no officer of the Luftwaffe ever informed me of such a thing; and I do not believe that a single officer was ever taken away from the Luftwaffe camps. A report to this effect was never presented to me, in any case.

SIR DAVID MAXWELL-FYFE: You know what Aktion Kugel was: That escaped officers and noncommissioned officers, other than British and American, were to be handed over to the police and taken to Mauthausen, where they were shot by the device if having a gun concealed in the measuring equipment when they thought they were getting their prison clothes. You know what "Aktion Kugel" is, don't you?

GOERING: I heard of it here.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal that You did not know that escaped prisoners of war who were picked up by the police were retained by the police and taken to Mauthausen?

GOERING: No, I did not know that. On the contrary, various prisoners who escaped from my camps were caught again by the police; and they were all brought back to the camps; this was the first case where this to some extent did not take place. # SIR DAVID MAXWELL-FYFE: But didn't you know that Colonel Welder, as second in command of your ministry's inspectorate issued a written order a month before this, in 2/1944, that prisoners of war picked up by the Luftwaffe should be delivered back to their camp, and prisoners of war picked up by the police should be held by them and no longer counted as being under the protection of the Luftwaffe; didn't you know that?

GOERING: No. Please summon this colonel to testify if he ever made a report of that nature to me, or addressed such a letter to me.

SIR DAVID MAXWELL-FYFE: Well, of course I cannot tell whether your ministry was well run or not. But he certainly issued the order, because he says so himself.

GOERING: Then he must say from whom he received this order.

SIR DAVID MAXWELL-FYFE: I see. Well, he says that he issued this order, and you know as well as I do that prisoners of war is a thing that you have got to be careful about, because you have got a protecting power that investigates any complaint; and you never denounced the Convention and you had the protecting power in these matters all through the war, had you not? That is right, isn't it?

GOERING: That is correct, but I take the liberty to ask who gave him this order, whether he received this order from me.

SIR DAVID MAXWELL-FYFE: Well, he would not get it direct from you. I do not think you had ever met him, had you? He would get it from Lieutenant General Grosch, wouldn't he?

GOERING: Then Grosch should say whether he received such an order from me. I never gave such an order.

SIR DAVID MAXWELL-FYFE: I see. So you say that you had never heard- this was 31/2 years after the beginning of the war and you had never heard that any escaped prisoners of war were to be handed over to the police. Is that what you ask the Tribunal to believe?

GOERING: To any offenses or police, I believe gave any order the extent that escaped prisoners of war committed crimes, they were of course turned over to the But I wish to testify before the Court that I never that they should be handed over to the police or sent to concentration camps merely because they had attempted to break out or escape, nor did I ever know that such measures, were taken.

SIR DAVID MAXWELL-FYFE: This is my last question: I want to make it quite clear, Witness, that I am referring to those who had escaped, who had got away from the confines of the camp and were recaptured by the police. Didn't you know that they were handed over to the police?

GOERING: No. Only if they had committed crimes while fleeing, such as murder and so on. Such things occurred.

[Tesiimony on 3/21/46]

Morning Session

SIR DAVID MAXWELL-FYFE: Witness, do you remember telling me last night that the only prisoners of war handed over to the police were those guilty of crimes or misdemeanors?

GOERING: I did not express myself that way. I said if the police apprehended prisoners of war, those who had committed a crime during the escape, as far as I know, were detained by the police and were not returned to the camp. To what extent the police kept prisoners of war, without returning them to a camp I was able to gather from interrogations and explanations here.

SIR DAVID MAXWELL-FYFE: Would you look at Document D-569? Would you look first at the top left-hand corner, which shows that it is a document published by the Oberkommando der Wehrmacht?

GOERING: The document which I have before me has the following heading at the top left-hand corner: "The Reichsfuehrer SS," and the subheading: "Inspector of Concentration Camps."

SIR DAVID MAXWELL-FYFE: It is a document dated the 11/22/1941. Have you got it?

GOERING: Yes, I have it now.

SIR DAVID MAXWELL-FYFE: Now, look at the left-hand bottom corner, as to distribution. The second person to whom it is distributed is the Air Ministry and Commander-in-Chief of the Air Force on 11/22/1941. That would be you.

GOERING: That's correct. I would like to make the following statement in connection with this...

SIR DAVID MAXWELL-FYFE: Just for a moment. I would like you to appreciate the document and then make your statement upon it. I shall not stop you. I want you to look at the third sentence in Paragraph 1. This deals with Soviet prisoners of war, you understand. The third sentence says:

"If escaped Soviet prisoners of war are returned to the camp in accordance with this order, they have to be handed over to the nearest post of the Secret State Police, in any case."

And then Paragraph 2 deals with the special position-if they commit crimes, owing to the fact that:

"...at present these misdemeanors on the part of Soviet prisoners of war are particularly frequent, due most likely to living conditions still being somewhat unsettled, the following temporary regulations come into force. They may be amended later. If a Soviet prisoner of war commits any other punishable offense then the commandant of the camp must hand the guilty man over to the head of the Security Police."

Do I understand this document to say that a man who escapes will be handed over to the Security Police? You understand this document says a man who escapes will be handed over to the Secret Police, a man who commits a crime, as you mentioned, will be handed over to the Security Police. Wasn't that the condition obtained from 1941 up to the date we are dealing with in 3/1944?

GOERING: I would like to read the few preceding paragraphs that no sentences are separated from their context.

SIR DAVID MAXWELL-FYFE: My Lord, while the witness is reading the document, might I go over the technical matter of the arrangement of exhibits? When I cross-examined Field Marshal Slecking I put in three documents, UK-66, which becomes Exhibit 274, D-39, which becomes GB-275; TC-91, which becomes GB-276; This document will become GB-277. [Turning to the witness.] Have you had an opportunity of reading it, Witness?

GOERING: Yes, I have.

SIR DAVID MAXWELL-FYFE: Then I am right, am I not, that Soviet prisoners of war who escaped were to be, after their return to the camp, handed over to the Secret State Police. If they committed a crime, they were to be handed over to the Security Police, isn't that right?

GOERING: Not exactly correct. I would like to point to the third sentence in the first paragraph. There it says, "If a prisoner-of-war is in the vicinity, then the man who is recaptured is to be transported there."

; SIR DAVID MAXWELL-FYFE: But read the next sentence, "If a Soviet prisoner of war is returned to the camp"-that is in accordance with this order which you have just read—"he has to be handed to the nearest service station of the Secret State Police." Your own sentence.

GOERING Yes, but the second paragraph which follows gives an explanation of frequent criminal acts of Soviet prisoners of war, etcetera committed at that time. You read that yourself; that is connected with this Paragraph Number 1. But this order was given by itself and it was distributed to the Army, the Air Force and the Navy. And I would like to give the explanation of its distribution. In this war there

were not only hundreds, but thousands of current orders which were issued by superiors to subordinate officers and were transmitted to various departments. That does not mean that each of these thousands of orders was submitted to the Commander-in-Chief; only the most decisive and most important were shown to him. The others went from department to department. Thus it is that this order from the Chief of the High Command was signed by a subordinate department, and not by the Chief of the High Command himself.

SIR DAVID MAXWELL-FYFE: This order would be dealt with by your prisoner-of-war department in your ministry, wouldn't it?

GOERING: This department, according to the procedure adopted for these orders, received the order, but no other department received it.

SIR DAVID MAXWELL-FYFE: I think the answer to my question must be "yes." It would be dealt with by the prisoner-of-war department- your ministry. Isn't that so?

GOERING: I would say yes.

SIR DAVID MAXWELL-FYFE: It is quicker, you see, if you say "yes" in the beginning; do you understand?

GOERING: No; it depends upon whether I personally have read the order or not, and I will then determine as to my responsibility.

SIR DAVID MAXWELL-FYFE: Well now, the escape...

THE PRESIDENT: You were not asked about responsibility; you were asked whether it would be dealt with by your prisoner-of-war department.

SIR DAVID MAXWELL-FYFE: Now, the escape about which I am asking you took place on the night of the 24th to the 25th of March. I want you to have that date in mind. The decision to murder these young officers must have been taken very quickly, because the first murder which actually took place was on the 26th of March. Do you agree with that? It must have been taken quickly?

GOERING: I assume that this order, as I was informed later, was given immediately, but it had no connection with this document.

SIR DAVID MAXWELL-FYFE: No, no; we are finished with that document; we are going into the murder of these young men. The Grossfahndung-a general hue and cry, I think, would be the British translation-was also issued at once in order that these men should be arrested; isn't that so?

GOERING: That is correct. Whenever there was an escape, and such a large number of prisoners escaped, automatically in the whole Reich, a hue and cry was raised, that is, all authorities had to be on the lookout to recapture the prisoners.

SIR DAVID MAXWELL-FYFE: So that in order to give this order to murder these men, and for the Grossfahndung, there must have been a meeting of Hitler, at any rate with Himmler or Kaltenbrunner, in order that that order would be put into effect; isn't that so?

GOERING: That is correct. According to what I heard, Himmler was the first to report this escape to the Fuehrer.

SIR DAVID MAXWELL-FYFE: Now, General Westhoff, who was in Defendant Keitel's Kriegsgefangenenwesen, in his prisoner-of-war set-up, says this, that "On a date, which I think was the 26th, Keitel said to him, 'This morning Goering reproached me in the presence of Himmler for having let some more prisoners of war escape. It was unheard of.'"

Do you say that General Westhoff is wrong?

GOERING: Yes. This is not in accordance with the facts. General Westhoff is referring to a statement of Field Marshal Keitel. This utterance in itself is illogical, for I could not accuse Keitel because he would not draw my attention to it, as the guarding was his responsibility and not mine.

SIR DAVID MAXWELL-FYFE: One of the Defendant Keitel's officers dealing with this matter was a general inspector, General Rottich. I do not know if you know him.

GOERING: No.

SIR DAVID MAXWELL-FYFE: Well, General Westhoff, as one could understand, is very anxious to assure everyone that his senior officer had nothing to do with it, and he goes on to say this about General Rottich:

"He was completely excluded from it by the fact that these matters were taken out of his hands. Apparently at that conference with the Fuehrer in the morning, that is to say, the conference between Himmler, Field Marshal Keitel, and Goering, which took place in the Fuehrer's presence, the Fuehrer himself always took a hand in these affairs when officers escaped."

You say that is wrong? You were at no such conference?

GOERING: I was not present at this conference, neither was General Westhoff; he is giving a purely subjective view, not the facts of the case.

SIR DAVID MAXWELL-FYFE: So that we find that-you think that-Westhoff is wrong? You see, Westhoff, he was a colonel at this time, I think, and now he finishes as a major general, and he asks that the senior officers be asked about it; he says this: "It should be possible to find out that Himmler made the suggestion to the Fuehrer-to find that out from Goering who was present at the conference." Again and again Westhoff, who after all is a comparatively junior officer, is saying that the truth about this matter can be discovered from his seniors. You say that it cannot.

GOERING: I would not say that. I would like just to say that General Westhoff was never present for even a moment, therefore he cannot say, I know or I saw that Reich Marshal Goering was present. He is assuming it is so, or he may have heard it.

SIR DAVID MAXWELL-FYFE: What he says is, you know, that Keitel blamed him, as I have read to you; that Keitel went on to say to him at General Von Graevenitz', "Gentlemen, the escapes must stop. We must set an example. We shall take very severe measures. I am only telling you that, that the men

who have escaped will be shot; probably the majority of them are dead already." You never heard anything of that?

GOERING: I was neither present at the Keitel-Westhoff-Graevenitz conversation nor at the Fuehrer-Himmler conversation. As far as I know General Westhoff will be testifying here. Moreover, Field Marshal Keitel will be able to say whether I was there or not.